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ABSTRACT

This conference report contains (1) resumes of three speeches dealing with teacher aides, teacher strikes, and arbitration of employee grievances; (2) five task force reports that consider accountability, instructional improvement, teacher power, collective negotiations in education, and differentiated staffing; and (3) a list of conference participants. (LLR)

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PERSONNEL ADMINISTRATION:

NEW DIMENSIONS

SUMMER WORKSHOP
July, 1970

SCHOOL OF EDUCATION
UNIVERSITY OF DENVER

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PERSONNEL ADMINISTRATION:
NEW DIMENSIONS

Report of the Work Conference
July 13-24, 1970

Edited by

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September, 1970

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PREFACE

Each summer since 1948, the School of Education at the University of Denver has sponsored a summer work conference for school administrators and other educators on a topic of special interest at the moment. During the summer of 1970, the problems akin to public school personnel administration seemed of most pressing interest, and a conference was designed under the title of Personnel Administration: New Dimensions. Seventy-four participants were enrolled during the two-week period July 13-24th. This is the report which was produced at that work conference.

The theme was based on the resolution of public school employee grievances. Volunteers were enlisted to play roles in the game "Are You Game to Play Grievances?" copyrighted by the Nation's Schools, and produced in the June, 1969 copy of that educational journal. This simulated situation proved to be popular, as well as educational, and participants enjoyed learning the ins and outs of grievance resolution by means of this game.

Each participant was also a member of one of five Task Force groups, namely, Accountability; Improvement of Instruction; Teacher Power; Collective Negotiations in Education; and Differentiated Staffing. The reports of these five Task Forces are reproduced in this report. Also included here are resumés of three speeches delivered at the conference, and reproduced from the tapes made at the time.

On the assumption that what went on at the work conference would be pertinent to the work of other educators studying personnel administration in a time of conflict, the report will hopefully prove useful to school administrators, school personnel administrators, school board members, and other interested students of personnel administration today.

M. CHESTER NOLTE

THE TEACHER AIDE IN PERSONNEL ADMINISTRATION

James Sawin

The teacher aide movement is developing rapidly in public education. Although the use of teacher aides began in the Lancastrian school in the early 1800's, the greatest impact upon public education in the United States did not occur until after World War II. Several factors evident during this period pointed up the need for the employment of teacher aides. These factors were: (1) the teacher shortage, (2) the rising cost of education, (3) the movement of teachers toward professionalism, (4) the development of new techniques of instruction, and (5) the lack of educational research to provide direction.

Limited research related to employing and using teacher aides began in the 1950's. By the early 1960's, evidence was available to support the need for teacher aides. With the increased use of teacher aides in the 1960's, school districts who were employing or considering employing teacher aides lacked directions. Widely diverse legislation and guidelines unfortunately had not led to the clarification of the teacher aide's role in education. Divergent opinions by interested groups of educators added to the dilemma as to whether the teacher aide was to assume a professional or a non-professional role.

Today, two suggestions to alleviate the current confusion when employing teacher aides are offered. The first suggestion is the use of a career ladder. This ladder would allow a person interested in education to begin work in the schools as an intern teacher aide. An intern teacher aide could advance up the career ladder to the position of contract teacher aide after completing university work, skill training, adult education, and experience. A contract teacher aide could advance to the position of master teacher aide with additional university work, skill training, experience, and on-the-job training. With the development of new programs of professional experience plus added experience as a teacher aide, it is conceivable that the master teacher aide could work into professional status as an intern teacher. Such movement into professional status and continued movement up the professional career ladder is contingent upon the development of new innovations in teacher education and new school staffing patterns. The entire career ladder concept is based upon the premise that an individual could remain, if he so desired, at any step on the ladder.

The second suggestion is a system for logically developing the employment and use of teacher aides. As a result of a recent doctoral study completed at the University of Denver,* a model bill for an act to legalize the employment of teacher aides was developed. This model act should be adopted by states using or planning to use teacher aides in public school districts. Sequential development should follow in terms of guidelines provided by state departments of education. Individual school districts should be able to write policies and procedures based upon guidelines developed by state departments of education and the model bill developed in the doctoral study.

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*James Sawin, "Criteria for a Model Act to Legitimize Teachers' Aides", (Denver: University of Denver, Unpublished doctoral dissertation, August, 1970), 250 pp.

WHEN TEACHERS STRIKE

James Bailey

The strike is a definite part of the collective bargaining process. You cannot talk about sitting at the bargaining table as equals without the strike being a part of the arsenal of weapons. This does not mean that the strike is right, justifiable or legal when debating whether or not public employees are fulfilling their obligations or contracts when they strike. It is a part of the process whether we like it or not.

There are various degrees of a strike. Three varying interest groups are affected. These interest groups are individual teachers, teacher's organizations, and the board of education. These interests are important when you consider the why, when, and what for of striking.

Many individual teachers in the past have made decisions based upon a benevolent board of education and a superintendent who is going to take care of them if they behave in a professional manner. In return, the public will grant them rewards.

The individual teacher views things in terms of how much money, what are the working conditions, how many students do I have, and what reporting relationships do I have.

The teachers' organization feels it must represent teachers. The organization pays an executive director and a staff of people who draw their salaries by representing their constituents. It becomes important to them to talk about the gains they have made for teachers.

Often you have a competing situation in the form of the N.E.A. and the A.F.T. This leads to problems not so much from the individual teacher's standpoint, but from the organization's standpoint. No matter who is in the saddle, the other group is going to be testing their actions.

This conflict leads to which group can "out-militize" the other group; which group can promise the most for the constituency; who can do the best job; and who can best represent teachers in the best fashion. It would be nice to get the rivalry out of the picture. This should make room for logic and concern for reality. If the majority organization makes a move and does not carry out the move to the fullest extent, the opposing organization will make note of that fact and the majority organization may lose a member. The agency shop has been and will play a part in future negotiation agreements.

Some sort of procedure which will provide ground rules for a strike are in order. If you assume the strike is a part of the process, then you should have something that will make the procedure as smooth as possible.

Normal procedures established by negotiation were followed in the Denver strike. Mediation was used but did not resolve the problem. Fact-finding followed, but the results were unsatisfactory to the teachers and the board of education. As a result, the teachers decided to test the process and a strike was called.

The conflicting views of the organization representing the minority group and the organization representing the majority group had an effect upon the decision to strike. The use of psychology came into focus at this point. Once the commitment was made to strike, you go out to win. Peer pressure was evident after the decision to strike was made.

At the superintendent's suggestion, the board decided to keep the schools open. Principals were called upon to determine how many teachers would be present. As a result, a tremendous burden was placed upon middle management. They had to carry out the board's policies and at the same time work with teachers.

Issues were important at this time. As a result of the principals trying to find out how many teachers were going to go to work, the association claimed intimidation. This claim helped build esprit de corps among the teachers. Certainly mass meetings became a part of the strike process, as did bands playing, and slogans shouted.

The board of education countered to the cry of intimidation with "no-work no-pay." This seemed to be an honest approach to the problem as it is a well understood concept in labor. Later,"the no-work no-pay" slogan was amended to allow teachers to make up time. Many felt this move was a sell-out to the teachers. However, the decision was based upon how the board of education viewed the problem and its long term effect upon the schools. The public seemed to be acceptant of the board's decisions.

When the strike was finally settled, the teachers went back to work with the chance to make up their lost time. This situation is not peculiar to education. Industry gets behind in their work when there is a strike, and afterwards the workers are granted time and one-half to make up for the loss in production.

After the Denver strike, an amnesty board was created. The purpose of this board was to settle any unusual problems which had developed from the strike situation, but none had, so it was not put to use.

The future of negotiations will not involve curriculum and class size when money is also an item for discussion. The teachers' organization is not interested in curriculum and class size when teachers are already represented.

The bargaining process is here to stay. Educators will have to adjust. The role of the principal will be the most difficult to determine. The answer probably is that the principal is management, and the principal will have to accept this fact.

THE ARBITRATION OF EMPLOYEE GRIEVANCES

John Phillip Linn

Arbitration is an unusual method of expeditiously resolving disputes between parties, who with a continuing relationship need to have those disputes brought to the surface, resolved by an impartial individual in an objective comprehensive fashion, so the parties can go about their business.

Arbitration in the public sector is a carry-over from what happened in the private sector. Much can be learned therefore from what has gone on in the private sector. Teachers' problems that go to arbitration are employee problems, not professional problems. Grievances that arise over the interpretation or the application of the terms of the collective bargaining agreement are an important morale builder, and should therefore be carefully handled.

Arbitration has existed side-by-side with the judicial system. This was a means for people to say, "I don't want to go to court, but I do want to resolve the problem. I will resolve it through this other method called arbitration rather than litigation." In arbitration, it is a matter of saying, "Let's mutually select a third party and let him decide what is right." The individual would then decide, in a quasi-judicial position as a judge, the issue in controversy.

In the private sector, arbitration was accepted because it did not cost too much, it was usually expedient time-wise, and there was this opportunity to select your own judge. In ninety-five percent of private sector contracts there is a provision for arbitration by third party intervention. Arbitration is the final step in a grievance procedure in which a neutral selected by the parties, in some way, will simply come in and decide for the parties what are their rights.

People in the public sector have been told they are different from the people in the private sector. Teachers as professionals are told they are different. These differences in reality do not exist.

Today there are approximately three thousand arbitrators across the country who are fairly active. The arbitrators that you are likely to get in the public sector are those people who have been identified as responsible individuals in the profession of arbitration in the private sector. For the most part these persons are now trained in the law. The problems of contract interpretation, the problems of understanding how the minds of those persons who operate in law as well as in the field of labor relations is helpful when arriving at the kind of decision that will be acceptable and workable. The decision should be said to have real relevance to the relationship on a continuing basis.

All grievances are not usually subject to arbitration. A grievance may relate to an employee's complaint, or differences on the parties' interpretation of their contract, or a contract violation. The parties could be a representative of an individual as well as an individual himself.

A grievance is defined in collective bargaining agreements. The definition in the agreement may limit the number of grievances filled. A grievance many times is referred to as a rights dispute. A rights dispute is a controversy over alleged rights arising from the interpretation or the application of an existing contract term. A contract term may be expressed or it may be reasonably implied.

In the public sector as in the private sector, the parties commonly provide in their labor contract the methods of presenting and adjusting grievances in a multi-step grievance procedure. The first step is very informal. The second step is a formal written grievance. The final step is the submission of the grievance to an arbitrator.

Relatively few cases that go to arbitration ever go to court. The parties are usually satisfied with the arbitrator's award or are able to live with that award. Courts have usually upheld the arbitrator's decision.

I would like to share with you a report of an arbitration case which it was my privilege to be involved in. Although it is an actual case, and the reasoning used in reaching my decision are verbatim, I did disguise the names and places "to protect the innocent." Otherwise, the case is reported here just as it was presented to the parties at the close of the arbitration period.

In the Matter of Arbitration Between

SCHOOL DISTRICT NUMBER THIRTEEN
IN THE CITY OF WOOSTER
STATE OF WISCONSIN

and the

WOOSTER TEACHERS ASSOCIATION

Concerning the Grievance of

THEODORE ENGLISH

ARBITRATOR'S REPORT

OF

JOHN PHILLIP LINN

The matter came on for hearing at 9:00 a.m., January 14, 1970 in the Board Room of the Administration Building of School District Number Thirteen, situate at 1711 Sycamore Street, Wooster, Wisconsin, and the hearing was closed at approximately 4:45 p.m. of the same day.

School District Number Thirteen in the City of Wooster, State of Wisconsin, herein referred to as the School District, was represented by Joseph Taylor, Director, Employee Relations Department of the School District.

Wooster Teachers Association, herein referred to as the Association, was represented by R. R. Robertson, President of the Association.

John Phillip Linn, Professor of Law at the University of Denver College of Law, was mutually selected by the parties to hear the matter in controversy and render an advisory report to the parties.

Testimony was taken from:

Donald B. Robin, Director, Guidance and Counselling
Caroll P. Phillips, Supervisor, Research and Testing
Joseph Taylor, Director, Employee Relations Department
Theodore English, Aggrieved Teacher, Wooster High School
Peter P. Merry, PR&R Representative, Wooster High School

Oscar T. Gates, PR&R Representative, Wooster High School
Kathryn R. Coats, Chairman of Guidance & Evaluation, Wooster High School
Jimmie E. Kane, President Elect, WCTA
Sarah S. Simms, Principal, Wooster High School

All witnesses testified under oath as administered by the Arbitrator.

THE ISSUES

Did an "unusual scheduling problem" exist at Wooster High School on October 16 and 17, 1969, as that term is used in section 10-7 of the parties' Agreement?

Was the assignment of teachers to proctor the PAR Tests during their planning period an acceptable practice under the terms of the Agreement and may the practice continue without doing violence to the Agreement?

THE PERTINENT PROVISION OF THE AGREEMENT

"ARTICLE 10"

"Teaching Hours and Teaching Load . . . . . ."

* * *

"10-7 Teachers shall have a planning period each day during which they will not be assigned to any other duties except for emergencies or unusual scheduling problems."

FINDINGS OF FACT

The PAR Tests, also known as the Proficiency and Review battery, are administered annually in the secondary schools of the School District to determine the students' achievement in each of four skill areas--arithmetic, spelling, language, and reading. By policy of the Board of Education of the School District, all students are required to take the PAR Tests and pass them with at least the minimal level of achievement as a condition precedent to entitlement of the high school graduation diploma. Consequently, considerable significance is attached to the PAR Tests by students, teachers, and administrators within the School District.

By mid-September, 1969, the dates for administering the PAR Tests throughout the School District, October 16 and 17, 1969, had been selected, together with alternate dates, and notification of these testing dates was given to the various secondary schools, including Wooster High School. For the first time, both junior and senior students were to be tested in 1969. The senior students are divided among approximately sixteen counseling groups; the junior students are divided among approximately seventeen counseling groups, and each counseling group has about fifty students at Wooster High School.

The Chairman of Guidance and Evaluation at Wooster High School is in charge of the testing programs, and is directly responsible to the Principal at that school. There are twenty-two qualified counselors, each of whom counsels approximately 150 students and each of whom is assisted by approximately six classroom teachers, who, when performing in that capacity, are called Counseling Teacher Assistants.

The Grievant in this case is assigned as a Counseling Teacher Assistant to a group of sophomore students at Wooster High School. His regular schedule of classes for the First Semester of the 1969-70 school year was as follows:

Period 1, 7:55 - 8:40	No assignment
Period 2, 8:45 - 9:30	Supervision, halls
Period 3, 9:35 - 10:30	Planning
Period 4, 10:35 - 11:20	Geometry 2
Period 5, 11:25 - 12:10	Lunch
Period 6, 12:15 - 1:00	Geometry 2
Period 7, 1:05 - 1:50	Algebra 4
Period 8, 1:55 - 2:40	Basic Math 3
Period 9, 2:45 - 3:30	Basic Math 3

On October 15, 1969, the Grievant was assigned to assist in the administration of the PAR Tests at Wooster High School on October 16-17, 1969, during the hours from 8:45 to 11:20 a.m. All sophomore students were excused from all classes at Wooster High School during the PAR testing periods because there was inadequate space facilities to test all junior and senior high school students and conduct a regular course of study at the same time for the sophomores. Teachers, including sophomore Counseling Teacher Assistants, were assigned to a duty bearing directly or indirectly on the PAR testing program. The Grievant was assigned to assist students, in the administration of the PAR tests, who were not members of his regular counseling group and who were generally unfamiliar to him. When the Grievant realized on October 15 that his assignment of work on the mornings of October 16 and 17 would deny him his morning planning period on each of those days, he brought the matter to the attention of this Association's PR&R Representative in the building, who immediately discussed the grievance with the Principal. The grievance was denied by the Principal at this step in the grievance procedure because the Principal believed the testing circumstances under which the Grievant was disallowed his planning period fell within the exceptions to Section 10-7 of the Agreement inasmuch as they constituted an emergency or unusual scheduling problem. Further, the principal opined that supply teachers, without testing experience or education, should not be used for the

PAR Testing program. The Principal also believed the lateness of the hour at which this grievance was brought to his attention on October 15 precluded any scheduling changes in the PAR Test assignments.

The Grievant performed his assigned proctoring duties over the PAR Tests on October 16 and 17 and subsequently his grievance was processed through the grievance procedure to arbitration. He was given brief ten to fifteen-minute relief periods during the mornings that testing occurred, but he did not receive his regularly scheduled planning periods on those mornings.

The PAR Tests are relatively easy to administer. There are only a few instructions which can be given at the beginning of the test. The test is not timed. Students who finish the test early remain in the test room to avoid the interruption of thought which would occur if there was the constant movement of students leaving the room. Proctors of the test have some time which can be utilized to perform some of the work which might be accomplished during a regular planning period, but primary attention must be given to the testing program.

POSITION OF THE ASSOCIATION

The PAR Testing program has been a regular part of the testing schedule in the School District for several years. It cannot be concluded that it constituted an emergency or an unusual scheduling program under the terms of the Agreement. Careful planning by the administrative staff could have effected the testing program within the limits of the applicable terms of the Agreement and teachers would not have been denied their planning periods.

The fact is that neither the Principal of Wooster High School nor the Chairman of Guidance and Evaluation carefully considered the contractual rights of the teachers to receive planning periods during the testing time. There is no evidence that the Principal clearly understood the limitations, having to do with small schools and the scheduling of physical education programs, that were intended by the negotiators on the exceptions to Section 10-7. Further, the Principal had never adequately impressed the Chairman of Guidance and Evaluation with the importance of observing the teachers' rights to planning periods when scheduling test-time assignments.

The nature of the PAR Tests does not require the special skills of particular members of the teaching staff. The proctor assignments could have been given to anyone. The claim that the Grievant was selected because he was peculiarly able to establish a rapport with the students and create a better testing environment is without foundation. By the Grievant's own testimony he was unfamiliar with all but a few of the students and there was no evidence to rebut that testimony. The test was extremely simple to administer and there were at least two persons who could have been assigned to proctor the tests whose rights to planning periods would not have been denied. But no attention was given to this fact, and the Grievant was assigned duties without regard for his contract rights.

Because the loss of the Grievant's planning periods was not necessitated by an emergency or unusual scheduling problem, but resulted by virtue of poor administrative planning relating to a usual and regularly recurring testing program, the Association asks that the Arbitrator find:

(a) That in the instance of this grievance, an "unusual scheduling problem" did not exist at Wooster High School on October 16-17, 1969; and

(b) That the assignment of teachers to proctor PAR Tests during their planning periods is not an acceptable practice under the terms of the Agreement and should not continue.

POSITION OF THE SCHOOL DISTRICT

In agreeing to the language of Section 10-7 of the Agreement, the School District recognized the desirability to provide each teacher in the district with a planning period each day. Teachers in the senior and junior high schools had, with some regularity, enjoyed the benefits of daily planning periods, but some teachers in the elementary schools, especially in the small schools, had not received planning periods. Although it was the intention of the School District to establish planning periods in the regular schedule of each teacher, it was recognized by the parties at the time they negotiated the Agreement that in some circumstances teachers will not have a planning period. These circumstances were characterized as "emergencies or unusual scheduling problems." The exceptions which relate to planning periods establish necessary flexibility to allow principals to assign work to the teachers whenever the usual schedule is not or cannot be followed.

The PAR Tests are recognized by everyone in the School District as of such importance to the young people in the district that every effort must be made to allow students to perform on the tests to their maximum capabilities. This requires that adequate testing facilities be provided, that an atmosphere of familiarity and comfort be afforded, that supervision in the test rooms and within the building assure the opportunity for students to give uninterrupted attention to the skills tests. In the judgment of school administrators and those in charge of the testing program, this calls for an unusual schedule during the testing times and the assignment of teachers to perform duties relating to the testing procedure. The overriding interest during this time is in the testing program, and the teachers' interest in maintaining regular planning periods during this time must be subordinated to the interests of the students in the testing procedure.

The Arbitrator is urged to find that an unusual scheduling problem did exist during the time in question and that no violation of the Agreement occurred.

DISCUSSION

Whether the Grievant has been wrongfully denied a planning period benefit which is his under the Agreement must depend on whether the PAR Test program constituted an "unusual scheduling problem" as this term was used by the parties in their Agreement. Even though the term "emergency and/or an unusual scheduling problem" was used by school administrators in denying the grievance, it is clear that no emergency existed.

In using the term emergency in Section 10-7 the parties intended to provide against sudden and unexpected contingencies creating a need for teacher assignments during otherwise scheduled planning periods. There is no evidence that the PAR Test program creates an emergency. To the contrary, that October, 1969, test program was scheduled four weeks ahead of the testing dates. There was nothing sudden or unforeseeable in the occurrence. Ample time existed to plan and schedule the testing assignments.

The fact that the PAR Test program did not constitute a sudden or unforeseen event (an emergency), however, does not mean that it was not such an event as to fall within the exception of "an unusual scheduling problem." The latter term is without precise definition, but it appears obvious that it has meaning apart from an emergency situation; which is to say that there need not be the elements of unexpectedness or unforeseeability in an unusual scheduling problem. By common definition, it would be a scheduling problem which is "out of the ordinary; a deviation from the normal." In the absence of any showing that the parties intended a special meaning when they agreed to the language "an unusual scheduling problem", it must be assumed that the regular dictionary meaning would apply.

The Association's claim, that this limitation was intended to apply only to the scheduling problems in the small schools and where the physical education program created difficulties in scheduling planning periods for all teachers, appears to be without foundation. The testimony elicited from Association witnesses made it abundantly clear that the Association was satisfied that all teachers in these school situations and throughout the district would be regularly scheduled for a daily planning period before the language of Section 10-7 was finally agreed to. Because of this fact, it can hardly be contended that the language was intended to apply to a situation which no longer appeared to constitute a problem for the teachers. Furthermore, it would seem logical that had the parties intended the limitation to apply to these specific scheduling problems only, they would have chosen contract language which clearly expressed such a narrow limitation. Under the circumstances, the Arbitrator is compelled to conclude that no such narrow interpretation is justified and that the common meanings of the words used must apply. This being so, the term "unusual scheduling problem" seems particularly well suited as a characterization of the PAR Tests scheduling situation wherein almost all teachers at Wooster High School were assigned duties on the mornings of October 16-17, 1969, which were directly or indirectly connected with the test program. The scheduling problems on those two mornings were not those ordinarily occasioned in the usual course of events at the school. The posted schedule of classes for the first semester of the 1969-70 school year at Wooster High School evidences the usual schedule of the teachers for each period of the day; and it shows that more than sixty teachers, in addition to the Grievant, had scheduled planning periods during the morning hours when the PAR Tests were administered. Nearly all, if not all, of these teachers were given special and unusual assignments on the mornings of October 16-17 which denied them their planning periods. They were assigned to participate in a work situation that very obviously imposed unusual scheduling problems.

It may be true that a different schedule on October 16-17 might have been structured to allow teachers to realize some period for planning, or even to allow the Grievant in this case his particular planning period, but the Arbitrator does not find that all teachers who had planning periods regularly scheduled during the morning hours could have been scheduled so as to receive their regularly scheduled planning periods and there was no reason to single out the Grievant for special consideration in this respect. The Agreement does not require the School District to arrange a schedule that will allow teachers to have planning periods whenever such a schedule is "possible." If the Agreement did impose such scheduling on the school administration, the burden of scheduling might easily outweigh the value of the planning period to the teacher or teachers involved. This would appear particularly true when, as in the present case, so many persons are involved in the scheduling process and where the teachers are relieved of a substantial portion of their regular teaching responsibilities. Without their regular teaching responsibilities on the days in question, there would seem to be less need for the regularly scheduled planning period. Be that as it may, the Agreement expressly provides that teachers may not receive a planning period on a day when unusual scheduling problems exist. It may be implied that no teacher will be unreasonably denied a planning period even on a day when unusual scheduling problems occur, but there was no showing of unreasonableness in the act of scheduling in this case.

It should also be noted that nothing in the Agreement prohibits the School District from utilizing the regular teaching staff in the testing program or requires the District to hire other persons to proctor the tests when no special skills are needed in performing that function.

The Arbitrator is aware that matters in this case were aggravated by the fact that the Chairman of Guidance & Evaluation at the school, subsequent to the events of October 16-17, denied the Grievant the opportunity to participate and receive compensation for work in a Saturday testing program of the Educational Testing Service. The ETS test program is entirely independent of the School District, but the Chairman of Guidance & Evaluation is the chief administrator of the ETS program and as an agent for ETS had, in the past, engaged the Grievant to assist in that program for pay. Her stated reason for denying the Grievant ETS work after mid-October was his "attitude" as evidenced by the fact he had grieved concerning his loss of planning periods because of his PAR Test assignment. Although the ETS program is outside the issues before the Arbitrator, it seems abundantly clear that the Chairman of Guidance & Evaluation does not appreciate the contractual right which the Grievant has, as a teacher in the School District, to grieve whenever he reasonably believes he is being denied a benefit which is his under the Agreement. What the Grievant did in this case was entirely proper. He reasonably believed he was improperly assigned duties under the Agreement. He did not refuse to perform the duties; that would have been improper. He capably performed the work and he asserted his claim in the grievance procedure. If the Chairman of Guidance & Evaluation allows matters such as this to affect her relationships with teachers, she will likely jeopardize her effectiveness in the position she holds with the School District because hers will be recognized as an unreasonable and coercive effort to interfere with teachers in the exercise of their contractual rights.

CONCLUSIONS AND RECOMMENDATION

The Arbitrator finds that an "unusual scheduling problem" existed at Wooster High School on October 16-17, 1969, and that the assignment of teachers to proctor the PAR Tests during their planning period is an acceptable practice under the terms of the Agreement.

The grievance is found to be without merit and should be denied.

Dated this 13th day of February, 1970 at Denver, Colorado.

(Signed)
John Phillip Linn, Arbitrator

ACCOUNTABILITY

TASK FORCE GROUP "A"

Definition

Accountability is defined as responsibility for the quality of the product. The concept arose following Sputnik when Americans for the first time took a long, hard look at their schools. "Are we in the race with the Russians? Are our schools adequate to the times, considering that Russian schools have produced an orbital machine before ours? What can we do to produce more engineers, scientists, linguists, mathematicians?" Clearly, there was something wrong with the schools. There was the hidden implication that it well might be the quality of the teaching staff.

Accountability for the quality of the education product has traditionally been the responsibility of school administration. It was the principal who was faced with rating teachers, seeing that they performed in a creditable manner, and in improving them in service. But school administrators are no longer on the same side of the table with teachers; they sit across on the other side, and represent management. Who, then, will assume the responsibility for the quality of the product if this is no longer to be the task of management? This question was raised when bargaining between teachers and school boards began.

Although teachers did not realize it, it was they who would be held to account before the public for their product. When they demanded a larger share in the decision making process, the boards acquiesced, but with the specific understanding that with added power goes also additional responsibility. One of the responsibilities which boards were going to insist on was that teachers shoulder the responsibility for their outputs in the classroom. And so the concept of accountability was born.

The concept of accountability received impetus from experiments in education about this time--the performance contract, such as that at Texarkana, for one. Such a contract states specific performance changes to be accomplished, for which a certain amount of money is to exchange hands. If no outputs are produced, then the money rewards are diminished in that proportion, or there are none at all. "Produce, or no pay" is the slogan of accountability. Being professional persons, teachers are motivated by an altruistic ethic, and were the first to volunteer to make the mills of education grind more fine. What could be more "professional" than to guarantee the product--to insure against lackluster teaching, or quackery in the classroom? Surely this was indeed the quid pro quo--"something for something." The something which the teachers got was additional shares in the economic rewards of an affluent culture and in the decision making processes by which their die was cast.

And so accountability came into being. Perhaps teachers did not deliberately set out to take "the monkey on their backs", but before long in the bargaining process they had to give something for something, and to get more they had to give more. One of the things they gave was the idea that they would take over the responsibility once held by the principal of guaranteeing the quality of the educational product.

The present emphasis on accountability appears to be coming "from the outside in." It is coming partly from the examples and technological advances of government and industry and partly from the complaints and demands for accountability from students, parents, taxpayers, and from administrators.

The Department of Defense, under the influence of MacNamara, was the first large initiator of the systems approach to "resource management." The DOD conducts the largest school system in the world and uses the systems approach to all phases of its operation with "accountability" being the basic concept.

The Resource Management system initiated in the DOD has evolved into the Planning-Programming-Budgeting System (PPBS) which is said to have saved billions of dollars in the DOD. The drive to apply PPBS to the major establishments in the federal government was launched by President Johnson on August 25, 1965, in a statement to his cabinet and federal agency heads. Since that time there has been increasing emphasis from the national government level on "accountability."

President Nixon depicted the 1970's as the "Age of Accountability" in American education. He asserted in his message of March 3, 1970, that "We have, as a nation, too long avoided thinking of the productivity of schools."

Leon M. Lessinger, former chief of the USOE Bureau of Elementary and Secondary Education, promoted the accountability concept in his 1969 speeches on education. It was his office that approved the Texarkana experiment, and developed the idea of "independent accomplishment auditors" to assess school programs "without sentimental, defensive, protectionist or financial influence."

Don Davies, USOE's associate commissioner for education personnel development, says, "Schools and colleges will be judged by how they perform, not by what they promise."

Industry has operated within the limits of the accountability concept for some time. It has developed a sophisticated technology including analysis systems which can be utilized in the field of education. Private enterprise is currently issuing a challenge to our educational system. It appears to be saying two things: one--that our present educational system is inefficient and ineffective in demanding change; and two--that if we can't do it, it can (i.e., the Texarkana project).

Complaints from students, parents, and taxpayers constitute the most immediate and pressing demands for accountability in the schools.

Students are saying the school program is irrelevant and directed toward the wrong goals. They are demanding that the system be accountable in part to them.

Parents are saying that their children are not meeting expected standards. One faction is demanding more regimentation and strict adherence to fundamentals while another group is decrying the repressive influence of our "jails." A still larger group is uncertain about the situation but joins the first two in a strongly felt need for educational accountability.

The taxpayers are probably the most potent force in the demand for school accountability. They profess to see escalating costs with the same old program and decreasing effectiveness. The evidence of increasing need for financial accountability to taxpayers in terms of increased efficiency and productivity is evident from voting trends on budgets and bond issues. They see this as a practical way to force schools to justify expenditures and to produce effective programs.

Professional negotiations will be increasingly affected by the apparent "snowballing" demands for accountability. It is obvious that school boards and administration must react to these demands. It is also becoming very clear that the teaching profession must regain the initiative in shaping effective school programs or it will be told what to do, how to do it, and when.

Don Davies, USOE's associate commission for education, bureau of educational personnel development says: "The concept of accountability calls for a revamping of much of our thinking about the roles of educational personnel and educational institutions on all levels."

Davies claims that student performance will be tied in with student performance in such a way that teachers will be accountable or responsible for what the children learn. He says that all the "people who serve and control the schools", whether aides, teachers, principals, superintendents or school board members "will have to change themselves".

He forsees an attainment of a primary goal of forming a "society that will be free, open, and compassionate, non-racist, multicultural and productive". Therefore, the personnel and those involved in the educational institutions will have to change their concepts and attitudes to reach this goal and to create within themselves these same things. He feels that people are needed who are capable of a continuous change, responsiveness and renewal to meet the needs of the children who come from different backgrounds, socio-economic levels and have varied hangups and capabilities.

In the search for ways to meet the goals teachers have set for themselves, teachers are faced with more questions than answers. Teachers and all school personnel are involved in the search for answers to critical questions such as the following:

1. How do we move from a mass approach to teaching and learning to a highly individualized approach?

2. How do we succeed with those youngsters who have never experienced success?

3. How do we substitute a vigorous enjoyable classroom atmosphere for one that has often been marked by competition and pain and fear of failure?

4. Finally, how do we build into ourselves the capacity for continuing self-renewal, for meeting increasing demands, and for adapting to new roles?

We do not know all of the answers. But we do know that new techniques, new skills, new attitudes--in fact a whole new concept of teaching and learning is required. No individual teacher in a self-contained classroom can put into a practice all of the changes inherent in the goals to which we aspire.

There are three factors that if continued should reverse the tendency for educators to be chagrined over the shortcomings of the profession. They are: to equalize, to individualize, and to humanize education.

Educators are continually confronted by the idea that educational institutions must assume the responsibility for the learning successes and failures of their students. This concept links student performance with teacher performance, it implies precise educational goals, and it forecasts the measurement of achievement. Schools and institutions of higher learning will be judged on performance, not promise.

The Education Professions Development Act (EPDA) says in effect that the only way we can bring about change in education is by bringing about change in the people who control and operate the schools and colleges. We must move toward new priorities, long term projects that involve partnerships, and a transition to programs that focus on priority fields.

Dr. Don Davies writes, "We will not alleviate education's inadequacies by looking at curriculum changes, relying on technology, or by simply allocating more money to our schools. We will do it by taking a hard look at a variety of people who can be trained to augment the teacher's work, leaving him free to teach. We will do so by looking at arrangements that make for more effective staff utilization, and by developing cooperative efforts that link the schools with the institutions that train educational personnel. The U. S. Office of Education will be taking a national leadership role in stimulating developments like these."

The key unit for educational change is the individual school with its principal, teachers, students, parents and community setting. The basic ingredients for learning and teaching are here. The provocation to change must be accompanied or followed by access to the new knowledge and skills that are called for on the part of those who are to effect change.

This approach to education requires something very basic: It means changing ourselves and all of the people who have anything to do with running and serving the schools. It means changing the institutions that control education. It means changing the concepts and attitudes of people.

Bargaining Process

Accountability is an emerging element in negotiations. As the bargaining process becomes more operable, both labor and management in education will have more clearly defined roles and job descriptions to facilitate accountability from both sides of the table. Teachers, with their growing interest and desired control of management functions, will probably find that, with added rights and voice, will come also increased responsibility.

The "quid pro quo" process has, to this point, been rather lopsided in favor of teachers. Boards have been forced to give more than they got. If teachers insist in policy formulation and control, school boards will probably become more insistent in their demands that teachers become more accountable. It is, in reverse, the same situation which first prompted teachers to demand more voice in policy, for they felt that boards were not accountable. However, as both sides mature in the bargaining process and the distinctions between these two divergent functions of labor and management is clarified, teachers will become less anxious to move into policy areas, and boards will become more accountable to teachers, students, and parents in these policy areas.

The schools are accountable to many publics. One of these publics is the taxpayer who is being asked each year for more and more money without observing any difference in the end result--the preparation that the students receive.

Lack of sound and adequate information regarding educational results on the national level has left the public confused about what progress is being made and problems being encountered. Schools are attacked and defended without substantial evidence to support either claim. Students are restless and bond issues fail to pass.

National Assessment

In an effort to assist the nations' schools in improving the performance and meeting the needs of children and young people, the

Educational Commission of the States has developed a systematic program for determining educational accomplishment over the years. The first report of July 8, 1970 will be followed by a complete report of the first year's assessment in the subjects of science, writing, and citizenship. Nearly 100,000 persons have been given the exercises--about one percent of the nine, thirteen and seventeen year-olds and a little less than one percent of the 26-35 year age group.

National assessment should produce data which could (1) help examine the adequacy of the curriculum in improving knowledge and skills considered appropriate for young people at a given age, (2) provide tools for identifying goals and give the policy-makers and the general public a basis for making intelligent decisions about funding, (3) assist in local, state, and federal governments with cooperative planning for schools, and (4) throw some light on what the national aspirations are which are yet unfilled.

This committee has serious doubts about the wisdom of national assessment as a means of either evaluating the school systems or prescribing appropriate alternative courses of action. Whether or not national politicians are effective managers of government is subject to question. Whether they are able to make the best decisions concerning the operation of schools in this country is extremely suspect.

Models

It is probable that educational planning in the future will utilize, to a great extent, the concept of program budgeting. Program budgeting is a sub-unit of a more comprehensive approach to the study of organizational activities, which, for lack of a more descriptive term, may be called systems analysis.

One evolving type of program budgeting is called PPBS (Planning, Programming, Budgeting System). The primary characteristics of this type of budgeting system differ from the traditional budgeting procedure in that the budgeting is done by program (i.e., a program to raise 80% of student reading levels one year) in which all possible alternatives are considered. The traditional approach merely allocated a certain amount of money for "instruction" without specifying where it was to go.

Evaluation

Accountability concerns measurement of educational output--but not just any measurement. Carefully designed systems for gathering output data are needed if subsequent evaluations are to have any validity. Educational evaluation instruments and educational program audits are two approaches in measuring outputs.

The educational instruments would include tests, questionnaires, and standardized interviews. The purpose of these instruments would be to establish a set of defined techniques and procedures for data gathering.

The educational program audits would make a reliable and objective report to local personnel, commending accomplishments realized and recommending procedures for getting results missed. The audit program would put the local school personnel in a problem-solving mode of thinking; and its focus would be on student behavior, skills and knowledge in specific areas.

There is a relationship between accountability and individualized learning. Success or failure of individualized learning as an instructional procedure within a classroom or a school system is dependent upon the acceptance of this premise and a commitment to get it off the lips of its advocates and into the daily operations of the classrooms.

In the final analysis, the classroom teacher is the person whose actions make individualized instruction operational or merely more verbal garbage. While his accountability will be to a wide variety of people, administrators, supervisors, the board of education and the tax-paying public, his paramount accountability will be to his students. His accountability to them will take the form of identifying instructional programs and procedures to meet their individual needs within his area of competence and the development of educational objectives which can be identified and measured as a means of determining the relative success of his efforts.

The development of measurable student behavior objectives is an obligation of schools and school staffs. If at the conclusion of the school year we cannot prove to the sources of school revenue, the tax-paying public, that our collective and individual efforts have had a constructive effect on the academic welfare of their children, then we have not been accountable and responsible for those responsibilities which as "professionals" we are supposed to be qualified.

Should programs such as performance contracting and systems analysis be acceptable as a part of public education then it is safe to say that some gains for students and taxpayers will occur. One factor that seems to be foremost in the minds of many educators, and to our success-oriented society is achievement. Both of the above-mentioned programs offer guaranteed achievement results over specific material during a predetermined period of time. As these programs operate on a basis of guaranteed results they must make a constant evaluation of the prescribed program and make adjustments accordingly. The constant evaluation and change as directed by the need for quantitative results, is a positive factor in using these approaches. Many educators have sought this type of guarantee for some time, but because of the traditional direction of schools up to a few years ago, they have not really had the support to press for this design.

Since the concept of accountability calls for the linking of student performance with teacher performance and the definition of precise goals with a judgment on the schools on how they perform, not by what they promise, these new models can be beneficial. With guaranteed results in achievement and a constant evaluation and revision as the results are quantified, the drop-outs should diminish because the primary learning responsibility will be on the school and the instructor rather than the student. If this becomes a reality throughout the public school systems then the taxpayers can certainly see what they are getting for their tax dollar and judge its quality.

Pros and Cons

There are some negative aspects to these models that should be mentioned even though they can be remedied. (1) A need for restyling of tests to accomodate the new process. (2) The retention factor. (3) The possible dehumanizing effect on the student if the schools operate more like big business and direct their attention to dealing largely with the companies, or company-like structures of the new systems, paying little attention to the human who is involved with the learning process.

From the results of testing with the Iowa Tests of Educational Achievement, some students were observed to have made dramatic improvement while working under the performance contract, but a large number made no progress and in some cases had slipped back from .1 to between three and four grade levels! This case was written up in the "Kappan," June, 1970, in the article on the Texarkana experience already discussed in this report. The company claims that the tests were never intended for this type of teaching. This means then that the construction of new tests for this type of teaching are needed to properly evaluate achievement results.

Finally, there is the pro and con about the need for human to human contact for the acquisition of certain human values our civilization prizes. Dr. John Goodlad of the University of California at Los Angeles says that we are living in a time "when one era of instruction is full blown, another is well begun and the third is embryonic." (NEA Journal, Feb., 1968). He refers to them as the human to human era with little contact with machines, the human-machine era where there is interaction between man and machine, the machine being the computer, and finally the embryonic era which is more machine-oriented with man taking over the more humanized aspects of teaching and learning.

Teacher Preparation

The challenge of American teacher education today is that of building into its structure the capacity for adaptability to the rapidly changing needs of our times. Unless we are willing to develop new structures for bringing together the groups necessary for the education of our teachers, the schools, the colleges and the communities in which the schools are located, we are shadow-boxing with the real problem.

An attempt to coordinate these groups in a meaningful way has come through the Education Professions Development Act which has established three priorities for the country. It is requesting first, the establishment of programs of training personnel in fields with critical shorgages, such as, early childhood education or educational media. Secondly, programs are needed to train personnel to meet the critical problems in our schools;(e.g., raising pupil achievement in deprived areas.) The third priority calls for the creation of programs to bring new kinds of people into the schools and to demonstrate through training, new and more effective means of utilizing educational personnel and delivering educational services. Two examples of the latter are the Career Opportunity Program and Teacher Corps.

Individualized Learning

As our schools move to equalize, to individualize and to humanize education, educators are increasingly confronted by the notion that educational institutions should shoulder the responsibility for the learning successes or failures of their pupils. This concept, linking student performance with teacher performance, implies precise educational goals. This approach to education implies some very basic changes in the institutions preparing future educators. Whatever the priorities, teacher education must reflect the changing role of the teacher, provide for differentiated staffing, introduce goal setting and consciousness of school-community relations, stimulate closer contact with the teachers and community, perhaps through advisory committees, employ practicing teachers for methods courses and place greater emphasis on the supervision and training of beginning teachers.

In the emergence toward accountability for the members of the profession, schools need to apply a few ideas from business and industry.

Long range planning is essential and it must be supported through investment in research. The development of guidelines for daily operations and procedures and the determination of role performance and orientations toward goals and evaluative criteria is vital.

The National Association of State Universities and Land Grant Colleges established a commission to study teacher education in this decade. From the preliminary study came the mandate for a Seven-Year Plan for which 1976 is the terminal date. This plan calls for a systematic and fundamental revision in major programs of teacher education through gradual year by year restructuring. It is proposed that those institutions participating, effective September 1970, would set aside for use by teacher education groups to be established on each campus, ten percent of the resources contributing to the education of teachers, both personnel and support monies. These resources would be used to conceptualize experimental programs and to develop implementation mechanisms.

The plan described above operates on a national scale. Many attempts are being made locally to bridge the gap and provide for greater accountability. Refresher courses are required of college professors in some universities whereby they would teach in a laboratory school, teacher exchange with a high school or even teach in a high school concurrently with a university assignment. The Teacher Center Concept is being employed in other areas where there is a physical cluster of schools enjoying a partnership with the universities and professional associations in preparing teachers. Field centered programs are being developed around the questions: "What knowledge does an intern need to have and what skills must he be able to demonstrate that will make him a competent teacher?" The D-O-S-E model utilized by Purdue University emphasizes diagnosis, objective formation, strategy, and evaluation.

As specialization increases, schools will be demanding and teacher eudcation programs must produce diagnosticians, instructional designers, programmers, evaluators and other specialists, some of whom are related to specific subject areas and others who will operate across academic disciplines. One of the major difficulties in the implementation of the new teacher education programs will be the placement of teachers. Perhaps, those students preparing to be teachers could minor in an area of specialization, such as, diagnosis.

Education is beginning a trend toward functional specialization, a trend which in other professions has meant a greater degree of professional control over the knowledge and skills, both clinical and research. It is time that teacher education programs begin to reflect this trend and to articulate it more clearly so that the practice of education can move forward to a higher level of precision.

Maturing professions must build and strengthen that component of their organization dealing with accountability. The recruitment, selection and admission of new members into the organization is a most important step. However, the active members must be held accountable for their actions.

In a guest editorial appearing in the April, 1970 issue of the Phi Delta Kappan, Mrs. Helen Bain, new president of the NEA, states that Self-governance must come first and then accountability will follow. She requests that the teaching profession be afforded those legal rights necessary for it to assume responsibility and accountability for its own professional destiny. At a minimum this includes transferring to the profession the following:

1. Authority to issue, suspend, revoke or reinstate the legal license of educational personnel.
2. Authority to establish and administer standards of professional practice and ethics for all educational personnel.
3. Authority to accredit teacher preparation institutions.
4. Authority to govern in-service and continuing education for teachers.

New legal machinery is necessary to implement the plan. This would include the creation by statute of independent professional practices boards or commissions at the state level which would give teachers representing the profession, the legal right to:

1. Make and enforce policy decisions related to initial licensure and advanced credentialing of all personnel.
2. Determine, adopt and enforce accreditation standards for initial, graduate and in-service teacher education.
3. Develop and adopt a code of ethics and rules of procedure in accordance with the established concepts of due process.
4. Enforce standards of teaching practice and ethical conduct.

The roles of teachers and standards of excellence, measured through performance criteria and objectives, for each level of differentiation must be established and specified as clearly as possible. As differentiated staffing patterns evolve, whatever their form, a tough-minded and hard nosed assessment must be an integral part of their activities. The profession and the public deserve no less.

Legal authorization must be coupled with the study of the perennial problems of governance. Teachers will be performing new functions, requiring new training and must understand fully their new responsibilities. Growth and continuous improvement must accompany every stage of professional development.

An educational performance contract prescribes anticipated learning outcomes in terms of student performance and specifies the qualities and attributes of the end product. The process used to fulfill the contract is not part of the contract, but evaluation method of the output is. In other words, achievement results contracted and achievement results attained determine fulfillment of the contract within a given time span.

The problem then becomes one of identifying those input variables which will assure success and developing these tools so essential to accountability.

The specifics of the contract itself are determined jointly by the contracting parties, be they a school district and a private company, or a building principal and one of his staff.

Performance contracting entails just what is implied: performance, in terms of student achievement; contracting, between the agreeing parties.

Systems Analysis

The student change model is intended to measure the performance of an educational system. It compares student performance at the beginning and end of the process, indicates what was happening to students outside the system that affected progress, and shows what was going on inside the system during the process. This analysis posts four variables:

1. Input: all measured characteristics of a student entering a particular phase of schooling.
2. Output: all measured students characteristics as they emerge from a given phase of schooling.
3. Surrounding Conditions: those influences in the school, home, and community environment that affect the process.
4. Educational Process: this is what's happening under the black box bounded by input, output, and surrounding conditions.

The model is manipulated by first setting aside the easy to change surrounding conditions and then using the remaining variables to figure performance indicators. For example, in reading, by comparing the actual output level against the predicted output level and correlating, and then adding in the socio-economic indicator, one can assign a performance indicator of 1 to 5. This comparison operates only within a given school, since influences vary from school to school. In other words, the hard-to-change conditions (socio-economic level, bilingualism in the home), must be used to adjust the input level for each school.

Once the performance indicator is assigned, then a comparison can be made of one school with another outside the system, using predicted levels of achievement as the base of comparison. This comparison should identify the factors and influences that were at work in the more successful schools that are easy to change or adapt in other schools that were less successful.

The final step is a recycling of the process, based on a formulated hypothesis to see if the easy-to-change conditions, if changed, can raise the level of performance.

Summary

In the final analysis, it is not so much finding or building an accountability model that should concern school personnel, as it is analyzing and building accountability into any models used. On the other hand, it seems that some of the more traditional models do not readily lend themselves to the concept of accountability. With the emergent dissipation of school board power and increased concern and action of the school communities' many publics, it is to the newer, more flexible models school personnel must look, both to satisfy their customers, and retain some semblance of control.

Respectfully submitted,

TASK FORCE A

Group members:

Maceo Brodnax	Brother Marvin Pfarr
Philip Coons	David Shaffer
Ruth Dutzi	Sister Bernice Tyrell
Roy Ford	Sister Clare Antonette
Catherine Gerardy	Sister Patricia Moran
Mark Glynn	Cam Witherspoon--Chairman
Alberta Jesser--Recorder	
Richard Lee--Vice-Chairman	John Miller--Consultant

PLANNING, PROGRAMMING, BUDGETING, EVALUATING SYSTEMS*

Accountability is here, for all my live long days
I will write some course objectives, just to pass the time away
Can't you hear the school board shouting
Be sure you're doing your job
Can't you hear the teachers crying
Sob! Sob! Sob! Sob! Sob!

PPBES PPBES PPBES is quite a mess
PPBES PPBES for our public to impress

Someone's in the classroom writing goals
Someone's in the cardroom punching holes
Someone's in the office doing PR
To make our system proud.

*To the tune of I've Been Working on the Railroad.

By David Shaffer

ACCOUNTABILITY MAKES IT*

There's a town down in the southland
On the border of two states,
By the name of Texarkana
Where the schools were in some straits.
Seems the dropout rate was soaring
So with some money from the Feds,
They devised a plan of action
So those kids would use their heads.

Performance Contracting they called it,
Private company they hired,
On a guaranteed performance,
Buck a head for eighty hours.
Said they'd raise those kids achievement,
Put 'em back in school to stay,
Or the money they would refund
And the district wouldn't pay.

If it's security you're after
Don't keep tenure any more.
Times are comin', nay, they're on us
When the board will demand more.
Write your own performance contract,
Get a mini-grant for sure.
If you guarantee achievement,
Praise from all you can assure.

Let me show you now a model.
Accountability it's got.
It will keep you out of trouble
And put something in your pot.
Now you start here with the output,
Those behavioral goals you've set.
You can measure those objectives
And then see if they've been met.

Then you feedback to the input
All those variables you need,
Like your staffing, books and students,
Size of class and who's on weed.
I might add here while I'm on it
Other influences you'll find,
Like the home and school surroundings
That will affect those goals in time.

Then you dump it in the black box.
That's the process dressed in lace,
Where a mixin' and a stirrin'
Of those variables takes place.
And then when the dust is settled
And the process simmers down,
You will end up with the output -
Now you're really goin' to town.

Finally here then comes the payoff
And your contract you'll rewrite.
If those outcomes you predicted
For your students came out right.
So then praise the Lord and shout, "Amen".
Accountability you've got.
And you won't end up down in that place,
Where things are really hot.

By Mark A. Glynn

*Any tune will fit.

IMPROVEMENT OF INSTRUCTION

TASK FORCE GROUP "B"

Responsibility

Who has borne responsibility for improvement of instruction in the past?

It is a marvel that any improvement or change in instruction occurred in the past since this task was performed by many persons and in a haphazard fashion.

During the past century this responsibility was delegated to one individual in each unit. The building principal emerged as the instructional leader; auxiliary aid was sometimes provided. The Board of Education was ultimately responsible for instructional improvement.

Where should the responsibility for the improvement of instruction rest?

The present emphasis is on re-defining the roles of school personnel. Emerging from this re-definition is the delegation of responsibility of instructional leadership to staff personnel.

The responsibility for the improvement of instruction should rest with the entire staff. Goals should be considered first to determine directionality for teaching endeavor. The staff defines goals and works with pupils, parents, and curriculum specialists; yet the responsibility for improvement rests with the principal and board of education.

How has the emphasis on "teaching" shifted to the emphasis on "learning"?

The approach to teaching has and is changing from concern for curriculum and content-oriented materials to concern for behaviors. Educators are becoming more concerned with the influence of technology. The concern for humanity has not kept pace with technology.

The emphasis is now to adapt the curriculum to the student rather than vice versa. This aboutface on the part of educators does give learning or "output" more emphasis than "input or how it is done".

What comparisons and contrasts do you note between the TRADITIONAL and EMERGING concepts of supervision of instruction?

Various broad concepts to be considered are:

1. Leadership: An acceptance of a talent or talents for growth of the individual; human and supportive methods of active leadership, with authority and freedom kept in balance; a willingness to take each other into account.
2. Democratic Administration.
3. Goal oriented activities.
4. Acknowledgement of individual differences: The supervisory staff should strive to enhance performance of the staff. More emphasis in the affective domain rather than the cognitive areas. Supervisors should strive to assist the individual to think more penetratingly about:
    a. What the individual is doing.
    b. The way he goes about the task.
    c. The evidence he uses to estimate success.

Organization for Instructional Improvement

How is the staff organized?

A differentiated staff is used to facilitate learning in a non-directed, unstructured, non-graded, ungraded, continuous, performance curriculum. The school within a school concept is used to maintain a humanistic approach toward continuous progress.

Who coordinates the instructional efforts of the staff?

Teachers become involved in the decision making process and accountable for instructional improvement; principals will be judged on their managerial competence. Executive relationship with teachers will be altered. The administrator will no longer be the autocrat of the past. It will be necessary to decentralize his authority but still retain his accountability as head of the school. Those affected by the decision will be involved in the decision making. Thus the school principal remains the key person in instructional improvement through sound management.

Role of educational personnel in improvement of instruction.

The teacher will be the facilitator to the learning process and will take full advantage of the services provided by the supportive, differentiated staff personnel.

Techniques and Procedures in Improvement of Instruction

Computer and systems analysis

The systems approach in education is an outgrowth of the planning-programming-budgeting system (PPBS) used in the Pentagon and other major federal agencies. A systems approach in education is a rational and systematic approach to education that analyzes objectives and then selects resources and methods to achieve those objectives. Feedback mechanisms are built in to measure, control, and recognize impingements and to constantly revise the process as it moves toward the next objective.

In its pure form, a system analysis program does not make provision for a humanization factor. Teachers may find that new demands will be made on their time. Perhaps they will lose some of their former duties. Some of the traditional routine may be inefficient. A pupil may find himself in a new school in his district because a systems analysis was run on the transportation of the district. Teacher and parent organizations will no doubt attempt to control some of the outcome of a systems analysis program.

Highly involved in systems analysis is the computer. Besides the use, the computer is also involved in the actual teaching process. The computer can be used for information processing, storage, and retrieval. To a certain extent, the computer can replace many of the functions of a teacher. Computers may become an item in collective bargaining.

Packaged Curriculum

The learning "packages" are an example of matching media to the individual learner's needs. The elements in the packages advance self-paced learning as a part of individualized instruction. The packages are designed by the teacher and developed by a technician. By this means the teacher uncovers the course or block of knowledge making available to the student what is to be learned.

Various versions of "packages" are being sponsored by school systems and regional educational laboratories. They hold encouraging promise for focusing on the individual learner.

Texarkana Project

"Contracted output" which is being tried in Texarkana shows encouraging signs for dealing with potential dropouts. The full answer to its effectiveness will be more evident later. The cost factor, coupled with guaranteed improvement makes the project attractive to large school systems looking for quick, low cost dropout prevention. The joint effort of industry and education could be an impact of importance. By the nature of the experiment materials are selected and presented in individualized instruction.

New Technological Resources

Technological resources have been and are being used in varying degrees in the educational field. The full potential for assisting with the instructional program has not been realized. The educator with his particular expertise must have a part with industry in designing the resources which will be used.

Planning and utilization of the new resources will mean the roles of educators will be redefined. The teacher instead of the traditional dispenser of information will be the coordinator of the many resources available and decide which procedures and materials will be effective for the individual learner's needs.

Technological resources will open up many possibilities for developing each individual as a continuous learner for a changing society.

Summary

Negotiations will place teachers in a position where they will be accountable. They will be accountable for individual as well as group output achievement. A genuine human-to-human relationship will be necessary to diagnose, prescribe, and evaluate a learner's abilities and output.

Since teachers will be accountable for the learner's achievement they will need to be involved in the input and process phases of education.

Management too, will need to have a humanistic approach toward its facilitators of learning. Management will include the staff in decision making, recognize efforts by individuals, and help its staff deal with personal problems.

Respectfully submitted,

TASK FORCE B

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TEACHER POWER

TASK FORCE GROUP "C"

Introduction: Definition of Term

The word "power" describes the acts of men as they move other men to act in relation to themselves. Power may be legitimate or assumed; it may be used wisely or capriciously. "Teacher power" may be considered good and/or bad.

Beginnings of Teacher Power

Let us consider, then, how and when teacher power came into existence. The history of teachers in the United States reveals that they were unorganized and generally regarded as a docile and non-agressive group. Teacher power had its roots in the formation of the first teacher organization believed to be the American Institute of Instruction in Rhode Island in 1830. The N.E.A. was founded in 1857. The youngest among teacher organizations, the A.F.T., was organized in 1916, and a month later became affiliated with the American Federation of Labor. Current membership is 1,100,155 for the N.E.A. and 190,000 for the A.F.T.

Recent Developments

Teacher power as it is known today was virtually unheard of a mere ten years ago. The present day scene is dominated by the two major organizations wielding the power of teachers. Society now sees teachers as militant, aggressive and standing up for themselves. Where they once had little bargaining power through organization, they now have considerable power to control their working conditions, bargain for salaries and assume a larger responsibility in decision making. Through the process of collective bargaining with school boards and administrative representatives, they now help determine educational policy, economic policy and working conditions. While this assumption of power is regarded by some as an erosion of school board power, it is viewed by others as a step forward toward dignity and status for the American teacher.

A brief look at the evolvement of teacher power through strikes reveals that during the ten year period from 1956 to 1966 only ten teacher strikes occurred, in contrast with the one year period from 1967 to 1968, when one hundred strikes occurred. In addition to strikes, protest demonstrations and sanctions were invoked in many places with every indication that the end is nowhere in sight.

As the N.E.A. and the A.F.T. vied for members, a power struggle developed, which heightened possibility of teacher militancy. Ideologies are hardly distinguishable now in terms of tactics. Experts view the two organizations as moving closer together in viewpoint, with ultimate merger being inevitable.

Sources of Power Build-Up

Changes in complexion of school boards.

School boards were once predominantly rural. Now, through consolidation and urbanization they are largely urban. Teachers now have a more sympathetic and understanding ear toward their recommendations and demands. This makes them more influential in decision-making.

Change of image.

Along with the change from a small rural board has come a change in the personality of the teachers. The demands of science, business, and society generally have changes the teacher's image.

More education, better public relations, more male teachers, inclusion of people of varied backgrounds and interests have all contributed to a changing status for teachers.

Supply and demand. During the period from 1940 to 1970 there was a buyers' market for teachers wherein they could use scarcity of numbers as a means of gaining power. Jobs were available almost everywhere because of a shortage of people entering the field and a growth in the school population.

Specialization. Specialization also became a power-wielding influence. Teachers took a cue from the pages of industry and added degrees and titles for which they could demand more money and privileges. Through new and varied educational media they became specialists in such fields as counseling, education of the handicapped, driver training, industrial consultation, reading technology, and vocational education. The trend to specialize continues.

Present Structure

Forms of teacher power. No longer do teachers meekly sit on the sidelines watching others enjoy the economic harvest of the most affluent society the world has ever known without seeking to share in these financial benefits. They are aggressively forcing their desires and philosophies on administrators and boards of education. They are speaking up on issues such as teacher conditions, integration, ghetto problems, and legislation.

One form of teacher power, which has been utilized since 1947 is professional sanctions. This procedure includes public notice of investigation reports, notifying state departments of education and certification and placement offices of unsatisfactory conditions of employment for educators, urging teachers not to accept positions in areas under sanctions. In general, sanctions have been quite effective, particularly in moving boards of education to accept professional negotiation agreements with teaching staffs.

Another expression of teacher power is professional negotiations. This is a process wherein professional (teacher) associations, through democratically selected representatives, participate on a reciprocal basis with the boards of education in determining the policies of common concern until a mutually satisfactory agreement is reached. Inability to reach such an agreement has, in recent years led to teachers' use of the strike.

The strike is the most potent weapon in the arsenal of teacher power. Until recently very few teachers thought it ethical to strike the same as, say, employees in industry. In 1967, 54% of the teachers polled believed teachers should strike but only under extreme conditions when all other alternatives had been exhausted. Support for strikes is greatest among teachers in school systems with more than 3,000 pupils, and grows more rapidly in these areas. As yet the movement is virtually unheeded in most small communities. More secondary than elementary teachers, and considerably more men than women favor the use of strikes to resolve differences with the boards of education.

Agency shop is another defense suggested by teacher associations. Under this plan those teachers not wishing to join the association would still be required to pay dues not to exceed dues of association members. While not prohibited by law, as yet this devise has had little use.

Effects of teacher power. A major effect of teacher power has been the decline of power once claimed and enforced by boards of education. By definition, if power is gained by one group, another group loses power. The school boards have had their powers steadily eroded at a time when board responsibility increased. With the unprecendented increase in student population, the issues of integration, implementation of new programs, financial demands, building programs, and problems of church versus state, school boards must have power in order to function effectively.

Several factors are responsible for the erosion of board power. 1) Court decisions concerning student rights and civil rights; 2) Collective bargaining by teachers; 3) Lay groups that apply pressure on school boards; 4) State and Federal aid which is categorical in nature; 5) State and Federal legislation; 6) Voluntary membership in state associations which demand compliance to association rules; 7) State Boards of Education making decisions that were traditionally the province of local boards; and 8) Limitation on the maximum interest allowable when selling bonds, and bonding limitations associated with assessed valuation. The power vacuum thus created is largely being filled by teacher associations. How long the present system can function with a Board of Education that does not have enough power to solve the problems assigned to it, is an urgent question.

Legislation and teacher power. Legislation on collective bargaining for teachers adopted by several states varies from required bargaining to a statute which provides for permissive bargaining. Twenty-three states have statutes on professional negotiations for teachers.

Legal limitations. Legal limitations of teacher power, as evidenced by strikes, have been ineffective in eliminating the work stoppage. The strike in New York City in the Fall of 1969 was clearly illegal. One looks in vain for legal opinions upholding the strikers; not an attorney nor judge could be found who would argue the legality of the teachers' action. In May of 1970, Hawaii became the first state to pass legislation permitting teachers to strike.

Implications of Teacher Power

In the struggle for power between American School Boards and teacher associations, the balance of power is definitely changing and the pendulum is swinging to the side of the teachers. The 1970s will see many measures being taken to solidify, on the part of the teachers, and to check, on the part of school boards, these gains in teacher power.

Legal implications. The shortage of teachers during the last twenty-five years played an important part in the assertion of power by teachers. So have constitutional rights. These rights include the right to peaceably assemble and organize, petition for an audience, exclusive representation, union activity, dues withholding, written agreement, agency shop, wide range of negotiability, third party intervention, and picket.

Teacher associations, in some cases, have gone beyond these identified rights and have asserted their power by striking or applying other kinds of pressure such as sanctions, withholding services on "professional days" or "slowdowns." "Sick-ins" have also been tried.

Whether legally provided for or not, professional negotiations of some sort occur in nearly every state. Statutes are supporting what already is practiced, and nearly half of the states have a specific law regarding professional negotiations. The 1970s will surely see nearly all states legalize some form of negotiation. As this tactic continues to be a significant part of the game of power, additional attention will have to be given the steps that follow impasse. Already there are indications that boards are willing to be bound by arbitration and the future will see an increase in this willingness. Limitations will be more clearly defined in statutes so that continued erosion of school board power will be more orderly and defensible.

The threat of a strike and the strike itself are the ultimate weapons of the teachers when a final showdown for power is at hand. While this action is specifically prohibited in most states, it appears that increasing legal attention will be given to this strategy. Hawaii, the first state to legalize the strike, has carefully prescribed and provided conditionally for its use. By recognizing the handwriting on the wall, Hawaii has set a precedent which other states are likely to follow. Teachers have used the strike weapon more often than any other labor force in recent years. A potential merger of N.E.A. and A.F.T. increases the imminence of the already acknowledged punch of the strike weapon.

Checks and balances. The struggle for power between the school boards and the teacher associations is checked and balanced periodically as new agreements are negotiated or different strategies are devised to counter existing tactics. Among these factors are what constitutes negotiable items (the prime weapon of administrators), supply and demand of teachers, private enterprise, instructional aides, policing of ranks, and professional autonomy.

At present, public employees are being permitted to bargain for conditions of employment and remuneration. Teachers want to be consulted on many other items. Many of them have studied school operations in the course of their professional preparation and because school matters eventually affect the educational climate of their classrooms, they feel they should be consulted on any and all subjects.

It is the responsibility of school boards to see that all people, not just teachers, are represented by the board in the task of public education. For this reason, if teachers get all the power they desire, it will be impossible for the board adequately to represent the community.

The long-standing circumstance of big demand for and short supply of teachers is now changing. During the 1950's and 1960's the lack of sufficiently qualified teachers influenced the gains teachers were able to make. The 1970's will see the reverse of this situation. The slowdown of growth in school enrollments and the larger supply of certificated teacher candidates may provide some leverage for school boards. Boards can be selective of the people with whom they wish to deal. They will have the possibility of breaking the back of a strike. They can refuse to be bound by arbitration. They may devise other strategies. By the same token, an oversupply of teacher candidates may provide teachers' organizations the opportunity to be more selective and to upgrade the professional ranks to the extent that their services will be more desirable thus commanding increased board acquiescence to demands.

It has been said that if teachers in the public schools do not "measure up" in the eyes of school boards who represent the public, public education might be pre-empted by private enterprise which would contract to teach America's young. Such a contract, it has been suggested, would be honored on a commission basis with the high commissions being paid for the higher pupil achievement. Studies are now being planned to look seriously into this technique, and many eyes are focused with interest on the results. This approach is contingent, however, on findings means of accurately measuring pupils' output and growth. Is this private enterprise factor a counter weapon in the hands of American school boards?

The use of aides or paraprofessionals in the public schools introduces a relatively new consideration, and is certain to be prominent in the 1970s because the practice of using aides is increasing rapidly. Teachers view aides as help in reducing teaching load and as contributing to individual instruction. Boards at first tended to look upon aides as additional cost factors, but are now beginning to see them as cost reducers by using them in differentiated staffing patterns which reduce the number of certificated personnel.

As use of aides increases, the teaching profession is likely to step up policing of their own ranks, i.e., screening those people who enter their field. While this idea of policing has been advanced for many years, to date very little has been done. Highly acceptable and respectable quality determine the status of a profession. Teacher power should include plans along this line, and the 1970s will witness much progress in this direction.

Professional autonomy in public education is something hazy on the far horizon. It will not only require the profession to be recognized as such through its dedication to purpose, high quality of performance, confidence of the public, and self-maintainence, but it will require change of attitude by boards and teachers. It must survive the growth of teacher power eminating from negotiations and strikes into an era of honest tenacity of purpose and sincere response to the needs of the public. When it has done this, collective employee action in the form of professional autonomy may result. It will be a large factor in advancing the American dream.

Summary

Any study of teacher power and its effect on the future indicates that teaching will be better defined in the future. Probable merger of the A.F.T. and the N.E.A. will create a group which is classroom teacher oriented. This organization will wield a great deal of power. This could include agency shop, the power to certify, and job protection through grievance procedure rather than tenure laws.

With power there always comes responsibility. If teachers are to continue to gain in the decision-making role, they will have to become more politically involved and present a unified front on political and educational issues. This may include a form of collective bargaining with the legislature at the state level.

In response to the power of this highly organized group, a series of regulatory laws probably will be passed. Some of these will be at the state level as demonstrated by the growing number of states with statutes on negotiations, and some at the Federal level where laws like the Taft-Hartley Act will be passed. This legislation may set up procedures for resolving impasse up to and including binding arbitration. A board like the National Labor Relations Board may become operative in the area of teacher-school board relations.

Respectfully submitted,

TASK FORCE C

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Jim Bailey
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COLLECTIVE NEGOTIATIONS IN EDUCATION

TASK FORCE GROUP "D"

Introduction

"Collective negotiation" is a constructive relationship designed for the solution of problems based upon the mutual interests of the parties. This form of negotiation is not designed for a once-a-year crisis situation. It is a continuous process involving interchanges between teachers and administrators on a day-in day-out basis.

Collective negotiation involves judgment, knowledge, and skills. It goes further than this, however. It also involves the emotions through attitudes and personality traits.

Historical Background

The term "collective negotiation" evolved during the 1960's and was popularized by Myron Lieberman and Michael H. Moskow. It is a term which blends the older, more traditional "collective bargaining" with the newer, but often used "professional negotiations."[1]

A partial list of factors accounting for the fast rise of collective negotiations would include:

A. A directive by the Kennedy Administration in 1962, executive order 10988, authorizing collective bargaining for federal employees;

B. Passage of several state statutes since 1960 authorizing and/or promoting collective bargaining for state and public employees, including teachers;

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[1] Gilroy, Thomas P. and others, Educators' Guide to Collective Negotiations, (Columbus, Ohio: Charles E. Merrill Publishing Company, 1969) pp. 25-26.

C. Continued growth of white collar workers--exceeding the number of blue collar workers since 1955;

D. Growth in public employment, teachers included, to the point where it is now the fastest growing sector of employment in the economy;

E. Strong interest at both the national and local level in the public school system;

F. Increased involvement by the federal government in elementary and secondary school systems;

G. Increased emphasis by unions such as the AFT, AFSCME, and AFGE, as well as the NEA, in the recruitment of new members;

H. General social and civil unrest across the nation.

Collective bargaining has had a period of 30 years in which to mature. There is no reason that school personnel should not benefit from these three decades of experience through awareness and understanding of how collective negotiation can work for them.[2]

Definitions of Terms

A teacher is a school employee who spends all or part of his time in the classroom and who is in direct contact with students in promoting the learning process. Management is the term applied to the employer and/or his representative.

Company union is used to describe a labor organization. Exclusive representation is representation by one amployee organization.

Collective bargaining is a process by which representatives of the employees and employer determine the conditions of employment through direct negotiations. Negotiation is the process by which representatives of the employees, and employers bargain to set conditions of employment. Professional negotiations is a phrase used by the NEA as an alternative to the union term "collective bargaining."

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[2] Ibid., pp. 5-6.

Demands are items proposed by the employees organization for negotiation. Fringe benefits are supplemental benefits. Issue is an item for negotiation proposed by the employee organization or the employer. Grievance is a complaint or expressed dissatisfaction by an employee or organization in violation of the contract.

Impasse is a deadlock in the negotiating process where there is no meeting of minds. Conciliation is an attempt by a third party to help in the settlement of disputes between employers and employees. Mediation is interchangeably used with conciliation to mean an attempt by a third party to bring together the parties in a dispute. Fact finding is the investigation of an employer-employee dispute by a board or panel. Arbitration is a method of settling employee-management dispute through recourse to an impartial third party.

Sanctions is a technique for withholding services. A strike is work stoppage by the employees. Settlement is a successful conclusion to negotiations. Written agreement is the terms of a settlement that are reduced to writing and agreed to by both parties. Contract is a written agreement of a specified duration.

Present State Statutes

The negotiation laws, of the 24 states which have them, are basically the same in nature. All are concerned with working conditions of employment, wages, hours, and collective bargaining. Delaware and South Dakota prohibit strikes. Hawaii, on May 6, 1970 became the first state to provide the right to strike but, requires 60 days cooling off period following 30 days of mediation and fact-finding. It also provides for limitations when strikes would endanger health or safety and encourages use of dispute settlement procedures including binding arbitration.

The 24 states and year of enactment are: Alaska-1962, California-1965, Connecticut-1969, Delaware-1969, Florida-1965, Hawaii-1970, Maine-1969, Maryland-1968, Massachusetts-1965, Michigan-1965, Minnesota-1967, Nebraska-1967, Nevada-1969, New Hampshire-1966, New Jersey-1968, New York-1967 (revised in 1969), North Dakota-1969, Oregon-1965 (revised in 1969), Rhode Island-1966, South Dakota-1969, Texas-1967, Vermont-1969, Washington-1965, Wisconsin-1959 (revised 1961).

Courts and Teachers' Rights

The right to assemble was guaranteed by the First Amendment. This right was upheld generally by the Wagner Act of 1935, although as employees of federal or state governments, teachers were exempted from the act. Today, the union would abolish the exemption and extend the National Labor Relations Act to cover all governmental workers, including teachers, under the Act.

The Wagner Act guaranteed employees the right to organize as they chose. Since 1950, it appears settled that teachers may participate in this right. A 1951 Norwalk, Connecticut court ruling established this principle. President Kennedy's Executive Order No. 10988 (January, 1962) gave impetus to teacher organization when it extended to federal employees the right to organize. These employees included 50,000 teachers in federal service. By 1969, twenty states had laws granting teachers the right to organize.

States which have laws governing negotiations have taken various approaches to written agreements regarding teacher rights. Eight specifically permit but do not mandate such agreements; two permit them if requested by either party; two do not prohibit them, and one (Wisconsin) mandates such an agreement. Other states do not mention this phase of negotiations.

Despite the use of strikes in the private sector, courts have not legalized teacher strikes. The common law rule has been:

> The right to strike has been recognized as an important employee prerogative in free collective bargaining process of the private sector.
>
> In the public sector the strike has been found to be unlawful because it prevents government from discharging its obligation to provide public services without interruption and deprives the public of protection and its right to essential services.[3]

The right to strike was specifically denied by the Indiana Supreme Court on October 1, 1969. There was one dissenting vote, however, which held that the right should be permitted under certain circumstances. Illinois forbade the use of strikes by public school employees in 1965, and the Supreme Court of New Jersey held that NJEA violated the constitution by imposing sanctions--the most stringent of which would be the strike--on the school district.

In recent years, especially since 1966, the laws forbidding teacher strikes have been shown to be ineffective. Adding to the pressure exerted by the numerous strikes has been the attitude of the AFT and NEA. The

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[3] Carlton, Patrick W. and Harold I. Goodwin, The Collective Dilemma: Negotiations in Education, (Worthington, Ohio: Jones Publishing Company, 1969), p. 8.

AFT espouses the use of strikes. The NEA, after specifically forbidding strikes for years, deleted its no-strike policy in 1966, and adopted a strike support policy in 1967 as a last resort measure.

Withholding of professional services include sanctions, mass resignations and strikes as final actions. Some of the arguments for legalizing strikes by public employees are: Teachers say higher salaries and improved conditions are in the public interest; teachers say they are not striking against the government, only against intolerable conditions, and the people are the government; legislation against strikes seems to be unworkable and futile; growth of government workers from 7 million in 1956 to 12 million in 1969; Executive Order 10988 issued by President Kennedy in 1962 allowed federal government to bargain with its employees; and the right to organize is guaranteed by the First Amendment to the Constitution.

Some of the arguments against legalizing strikes by public employees are: Strikes by public employees are against the public interest; strikes by public employees endanger public health and safety; strikes by public employees violate the authority and sovereignty of the government; and the public is against strikes by public employees.

The incidence of strikes by teachers is increasing. During the period from 1880 to 1940 there were 20 strikes; 1941 to 1944--17 strikes; 1945-1952--73 strikes; 1953-1962--20 strikes; 1963-1965--16 strikes; 1966 there were 33 strikes; 1967 there were 75 strikes; and in 1968 there was an estimation of 100 plus strikes.[4]

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[4] University of Denver, Denver, Colorado. Labor Law and Education, Report of the Work Conference on Collective Bargaining, July 8-19, 1968, p. 52.

Communication

It is possible that administrators and teachers have lost sight of our ultimate purpose in education which is to furnish an atmosphere whereby the individual child can progress to the utmost of his ability academically and socially.

Collective bargaining, being the stepchild of a break-down of communications is also a means to reopen channels of communications. In the event that collective bargaining becomes a necessity it must be realized that there shall be a mutuality of interdependence as well. In collective bargaining nothing is taken for granted. It is imperative that partners be considered equal and procedures established in advance.

"Good faith" bargaining is mandated and is assured legislatively by written agreement that the quality of two-way communications is inevitable. "A house divided against itself cannot stand."

Grievances or complaint procedures should be made a part of all written contracts. Provisions should be made for the prompt and equitable processing of all grievances. Without these procedures there would certainly be a breakdown in communications.

Research and Emerging Roles

Teachers, as well as administrators, are confronted with the necessity for a re-evaluation of role. It would appear that despite new economic gains and organizational solidarity, the teacher seems to be losing identity, rather than gaining status. Several circumstances in the educational scene seem to be contributing to this. Mainly, teachers have had a lot of catching up to do in gaining respectable salaries and this, along with retirement plans, tenure, etc., has been stressed rather than the centrality of the teacher and the importance of the classroom in the educational process.

However, one might surmise that when this catching up has been done, teachers' associations will bend their greatest efforts toward other conditions of employment. If the taxpayer is to foot the bill for new material security for teachers, he expects adequate returns in the education of his children.

Beyond unrest and so-called militancy, the essential features of the teacher's change in role are not yet clearly identified and defined. The teacher has only begun to find his way through the jungle of additional responsibility which his negotiating team would contrive for him. The truly professional kinds of decisions which he would make in terms of securing the material for his work and bringing about curriculum innovation have only begun. This new role that the teacher will play will be exciting for schools because of the potential residing in the teacher force.

Administrators. The administrative interest in negotiation is not chiefly to deny teachers their legitimate needs and demands. However, the administrator must be mindful, in negotiation, that other components also need to be maintained at sufficiently high levels of effectiveness to achieve quality education.

Different viewpoints exist as to the role the superintendent should play in negotiations. The AFT sees the superintendent as head of the opposition's negotiating team. The NEA sees him as a member of the professional staff and a neutral catalyst, providing resource information, while NEA negotiates with the board committee. The AASA sees the superintendent in the dual role of chief executive and staff member, but also as an independent third party playing a significant role in the negotiative process. The NSBA sees the superintendent as the agent of the board and a "channel and interpreter" of staff problems.

While it is necessary for a superintendent to work with all parties, including the community, he must retain an image of strength and leadership in order to do justice to his mandate from the state. Each superintendent has to assess the teacher-administrator climate in his own system and decide whether a pattern of negotiation can be built upon unity of purpose and a framework of cooperation or whether a dichotomy of purposes and objectives prevails.

Regarding the principal's role in collective bargaining, there are those who feel that he should remain clear of the negotiating table. Many, however, realize that provisions must be made for genuine, legitimate participation of principals in the collective negotiation process. Undoubtedly, many factors must be taken into account in the involvement of principals: the purpose of their representation on bargaining teams, the precise nature of their bargaining roles, and the issues on which their participation is germane.

The professional negotiator. Collective bargaining is a highly specialized area and school boards as well as teacher organizations are realizing the need for a "specialist" in negotiations. The "professional negotiator" as he is often referred to, is beginning to play a major role in school district collective bargaining practices. Until now, his background experiences have been varied. Many individuals in this role have had experience as educators. Others come from industrial labor relations or legal backgrounds. Specific skills are required for this individual to function in this capacity and, until now, the "professional negotiator" has not received specialized training. Institutions of higher education would do well to include this area of specialization in their curricula.

School boards. Members of a local school board must be cognizant that they are a quasi-corporation. They must make decisions which will involve management and working staffs on behalf of the general public, as well as live within the bounds of the legislature of the state.

The power of the board is quite flexible and autonomous, as long as they stay within the three divisions of the government which are executive, legislative, quasi-judicial in nature. Such power is either implied or necessary to operate the schools for the public. The courts are not too willing to interfere with the decisions made by a board if such decisions are not illegal, collusive, or arbitrary. Each board may usually rule on such things as hiring or firing of personnel, regulating the budget, building facilities, curriculum, and matters dealing with discipline and control.

The school board members now find that they must more than ever deal with collective bargaining teacher groups, for more and more teacher organizations are requesting formalized negotiation procedures, and the board still must safeguard that which is mandated by state law. It is interesting to note, that in 1964, at the annual meeting of school board members, they made a statement which opposed mandatory negotiations or bargaining, and legislation which would establish some type of compulsory practices.

The main issue appears to be that teachers wish to be equal partners with the board of education when negotiations are held. As these negotiations take place the board must decide:

1. Is the item beyond the authority or responsibility of the board?

2. Is the item non-negotiable because of principle?

3. Is the item within the authority of the board, but requires a third party?

4. Is the item negotiable?

Teachers are better educated today and wish to have a more active part in shaping the public education at the local level, as well as, on the state, national and international scenes. Therefore, boards can no longer look at teachers as if they were little servants; thus, the question of tenure should be considered.

Resolution of Conflicts

Within the bargaining framework, mediation or conciliation, fact finding, arbitration, and economic pressure are the techniques used in an attempt to resolve conflicts. All four techniques are used to varying degrees in the actual process of arriving at a negotiated contract. The arbitration technique, used to a limited extent at the bargaining table, is usually used in interpretation of the existing contract.

Mediation or conciliation.

Mediation, or conciliation, is usually the first step used in resolving an impasse in the negotiation process, and involves the use of an individual, working between the opposing groups, seeking to establish common grounds for the reestablishment of meaningful dialogue between the parties. A common "labor" practice makes use of the Federal Mediation and Conciliation Service, which has two full-time mediators for the Colorado region. Any other agency or individual acceptable to both parties can also serve in role of a mediator. Mediation is an advisory process designed only to reestablish dialogue.

Fact finding. The use of fact finding boards or individuals is not widespread in the private sector. Education has used the fact finding process in an attempt to establish a framework for arriving at the realities of the problem at hand. Usually, fact finding does result in a prepared document which recommends solutions to the items still unagreed to within the negotiation process. Only upon prior agreement of both parties can recommendations of fact finding boards be binding on both sides. This type of prior agreement is quite unusual.

Economic pressure. Within the private sector, the third alternative used to resolve conflict within the bargaining process is the use of economic pressures: the strike. During the period of the strike, it is common to employ the use of a mediator in an attempt to solve the impasse.

Arbitration. Many people confuse the process of arbitration with mediation or fact finding. Arbitration, except in rare cases, is exclusively used after a contract has been formalized. Arbitration is most generally used in the grievance procedures. Most negotiated contracts have a grievance procedure in them. The arbitration process is designed to have a third party judge the conflict in question and award a settlement. Usually, the arbitration process is binding, which means the decision of the arbitor is final. This condition will be established in the negotiated contract. Arbitors are chosen in two ways: (1) through the elimination of names on a previously constructed list, and (2) through a three-man panel, the third member being acceptable to the representative for each side.

The American Arbitration Association will, upon request, submit a list of arbitors to the interested parties; normally five names. Each party can strike-off two names. The remaining name is the arbitor.

The second main way of selecting arbitors is through the mutual acceptance, by a representative of each party, of a third arbitor to serve as chairman on a three-man arbitration panel. This process is not as common in education as the previously mentioned process.

It should be noted that, in large companies such as General Motors, a permanent board of arbitration is used. In general, this practice is only employed in companies which have large numbers of employees. The size of the arbitration board varies from one to five members, but usually is three members.

Projections For The Future

Fact finding will soon be no more. Everything will be open and above board. As the bargaining experience of both parties increases, greater maturity will result.

Bargaining between teachers' groups and the board of education will be on a very broad scale, involving practically every aspect of the educational enterprise. The profession will make an earnest effort to police its own ranks and to guarantee a minimum level of professional performance in the classroom, in exchange for a larger share of the nation's goods and for a voice in the decision-making process.

The American Federation of Teachers is talking of demands to include: salaries ranging from $10,000 to $25,000; the 20/20 plan (which limits class size to 20 students and the teacher to 20 teaching hours per week); more power for teachers; the rating, if not election, of principals by teachers; and the "agency shop," which requires non-members to pay a service fee to unions.[5]

In the 1970's there will be considerable cautious experimentation in some of the states with the legalization of the right to strike among public employees. Mediation, fact finding, and arbitration will be furnished by the government out of public funds and will tend in most states to be binding upon the parties involved.

NEA and AFT will join forces, and teachers will speak with one voice! Teacher supply will be much better. In the 1970's there will be a need for 2.4 million teachers. There is a supply of 4.2 million teachers at the present time. Every state will have its own law and there may be a federal law also.

School boards will have to either be aware of or consider some of the following: try some things to see if they work or not because of pressure groups, allow teacher voices to be heard with more freedom, so they may be involved in economic benefits, programs, curriculum, and working conditions, but they must assume the role of accountability; consider, at least, at the local level the abolishment of tenure; continue to have written policies with the aid of teachers, administrators, and the public views; consider differential salaries rather than the use of index and ratio; and the voice between the teachers and the board will continue to be the Superintendent of schools.

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[5] Staudohar, Paul D., "Fact-Finding for Settlement of Teacher Labor Disputes," Phi Delta Kappan, 51:425, April, 1970.

As professionals focus on the learning process, as opposed to the teaching process, there is going to be a greater and a natural demand for more autonomy by individuals and small groups within the school organization. As authority is shared with teachers through collective negotiations they will have to stand on their own feet and win for their ideas the support of their colleagues and the masses of the people and to achieve competence.

Respectfully submitted,

TASK FORCE D

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Bedford Chester, Recorder
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Tom Crawford
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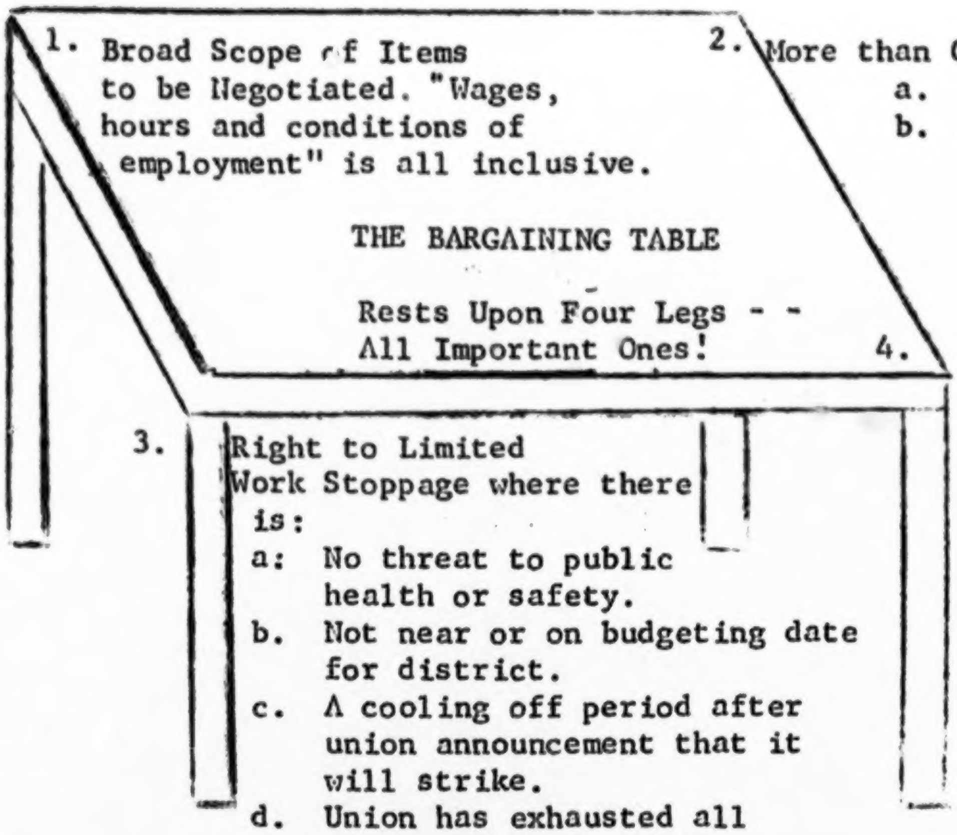
A Way to Negotiate with the School Board



1. Broad Scope of Items to be Negotiated. "Wages, hours and conditions of employment" is all inclusive.

2. More than One Bargaining Unit for
   a. Teachers
   b. Administrators

THE BARGAINING TABLE

Rests Upon Four Legs - - All Important Ones!

3. Right to Limited Work Stoppage where there is:
   a: No threat to public health or safety.
   b. Not near or on budgeting date for district.
   c. A cooling off period after union announcement that it will strike.
   d. Union has exhausted all avenues open to it for resolution of impasse.

4. Third Party Intervention to:
Resolve Impasses
   a. mediation
   b. fact finding
   c. arbitration
Determine "good faith" in the bargaining process.

DIFFERENTIATED STAFFING

TASK FORCE GROUP "E"

Introduction

The organizational structure of the public school system is facing serious examination and evaluation due to pressure, militancy and dissatisfaction from various groups. Professional educators must rise to the challenge of this predicament in which tradition and conditioning have placed them, and find some solution in order to meet the problem of a rapidly changing society.

The ability to rise above the traditional structure depends on how one answers some of these questions:

1. How can we attract and hold qualified staff in teaching roles?
2. How can we face the pressure of the taxpayer as education costs continue to spiral upward?
3. How can we meet the increasing demands of higher salaries in the face of strike threats?
4. How can we continue to support a single salary schedule based on longevity and education?
5. How can we support "tenure"?
6. How can a more adequate method of teacher appraisal be developed?
7. How do we meet the ever-increasing expectations and responsibilities that teachers are assuming and demanding?
8. How do we improve pre-service and in-service training procedures?
9. How can we meet the knowledge explosion more adequately?
10. How can we truly individualize instruction?

Many of these questions have no immediate solution: after study and analysis we may find no need for change. However, if we are going to find more flexible ways to organize education, what are the alternatives?

1. We can maintain the "status quo" by continuing single salary schedules that are based only on training and experience.
2. We can devise a plan of "merit" pay.
3. We can contract our teaching to major companies that guarantee results.
4. We can modify our present school personnel system and provide our staffs with different prestige, salary and promotional levels.

The latter alternative might be defined in the words of Dr. Dwight Allen when he spoke to a NYSTA conference in December, 1969, "We need a differentiated teaching staff where not only do teachers have different compensation but also have differentiated responsibilities."

The definition of differentiated staffing provided by The National Commission on Teacher Education and Professional Standards is as follows:

> Differentiated staffing is a plan for recruitment, preparation, injunction and continuing education of staff personnel for the schools that would bring a much broader range of manpower to education than is now available. Such arrangements might facilitate individual professional development to prepare for increased expertise and responsibility as teachers, which would lead to increased satisfaction, status and material reward.

The current interest in differentiated staffing may encourage the belief that it provides the answer to all the problems in education with little effort on our part. It would be well to remember that any plan would need to include acceptance, planning and evaluation by the staff, students and the community before adopting it for the school.

Advantages

The probable advantages of differentiated staffing include:

..the production of more relevant student learning.
..the improvement of the self-concept of teachers and pupils.
..teaching as the primary function of all teachers.
..bring teachers closer to administrators as formal professional partners.
..relieving teachers of many non-professional functions.
..the ability of the classroom teacher to earn a salary equal to those of school administrators and remain in the classroom.
..the improvement of the competency in staff-teacher-pupil relationships.

Disadvantages

Some disadvantages and/or problems associated with differentiated staffing may include:

..identification of differentiated staff responsibilities.
..establishing a compatible working relationship among members of a differentiated staff.
..allocating of sufficient funds for planning, implementing and maintaining an adequate program.
..modifying the total school program.
..development of new concepts in staff training, in both pre-service and in-service training.

Other facets of our society have developed different roles, styles and staffing patterns which have resulted in an upgrading of the services. We, in education, need to recognize interests, abilities and competencies of each teacher and devise ways to accomodate these in varying kinds of responsibility, authority, and compensation. Differentiated staffing provides the opportunity for the outstanding teacher to remain in the classroom to the benefit of the students.

Personnel

New staffing patterns are emerging in education in order to meet the challenges of a changing society and increasing demands that the schools meet the needs of all children.

Differentiated staffing varies in its applications and staff utilizations to meet the needs of children as understood in each situation.

There is no general agreement, at this time, to even the nomenclature that should be used to describe the positions of each individual involved.

Following is a general description of the personnel that might be involved in a differentiated program in a building, including the building leader, or manager or principal, whatever the title.

It is understood that each of these persons could be used in any particular situation, but the patterns will depend on how the educators and community see the situation in their own school.

It is evident that through this changing program there must be an in-service program for adaptation to this change of those involved. There must also be a recruitment program for paraprofessionals and an ongoing pre-service and in-service training of such personnel.

Use of volunteers in education, certainly not new, is growing, and these too need training to adapt to the new staffing patterns. This is a substantial source of assistance for the schools.

ROLE RESPONSIBILITY IN A DIFFERENTIATED TEACHING STAFF

Role	Qualifications	Functions	Example
Building Administrator	M.A. in Public Personnel Administration; B.A. in Business with minimum of 3 years teaching experience; Office experience preferred; Should like to work with young people and adults.	Coordinate instructional programs; Parent and public communications; Scheduling time, space, equipment. Securing conditions essential for the staff to carry out their responsibilities; Supervising non-instructional classified personnel in the building.	Working with instructional staff to develop master schedule for efficient utilization of time and space.
Master Teacher or Coordinating Instructor	Ph.D. 5 years successful Teaching experience in particular field.	Classroom teaching, Application of research to curriculum design by subject discipline and structure.	Will write behavioral objectives for course.
Senior Teacher	M.A. 3 years successful teaching experience; graduate work.	Classroom teaching, Application of new methodologies, learning and teaching strategies; media application.	Will conduct inservice on specific methodology for teaching team.
Staff Teacher	B.A. and teaching experience.	Classroom teaching, individualized instruction, large and small group presentations, tutorial sessions.	Will research area for Master Teacher's lecture.

Role	Qualifications	Functions	Example
Associate Teacher	B.A., beginning teacher.	Classroom teaching, team teaching partner, large group instruction assistance.	Will take part of lecture group back to class for discussion of lecture.
Intern-Student Teacher	Graduate student intern working toward a certificate in teaching.	Engages in professionally instructional activities; makes contribution to but not responsible for instruction decision making, executes decisions of coordinating instructors, assists and facilitates in research and development activity; carries out activities at discretion of the coordinating instructor.	Listening to a small group read following directions given by supervising teacher.
Paraprofessional	Two years college; Working part time toward certification.	Directly involved in classroom activities under the direction of a classroom teacher	Correcting Tests
Clerical Teacher Aide	Type 50 words per minute, able to utilize common office machines.	Prepares all instructional materials as directed by the teacher.	Typing and duplicating daily lesson sheets.
Housekeeping Teacher Aide	Be competent in areas assigned.	Sets up appropriate room environment assigned.	Cutting out pictures for vertical file.
Student Aide	Interest in helping others. Interested in teaching as a career.	To assist, under teacher supervision learning processes through personal contact and interaction.	Assist pupil in addition on a one to one basis.

MODEL 1

PRINCIPAL

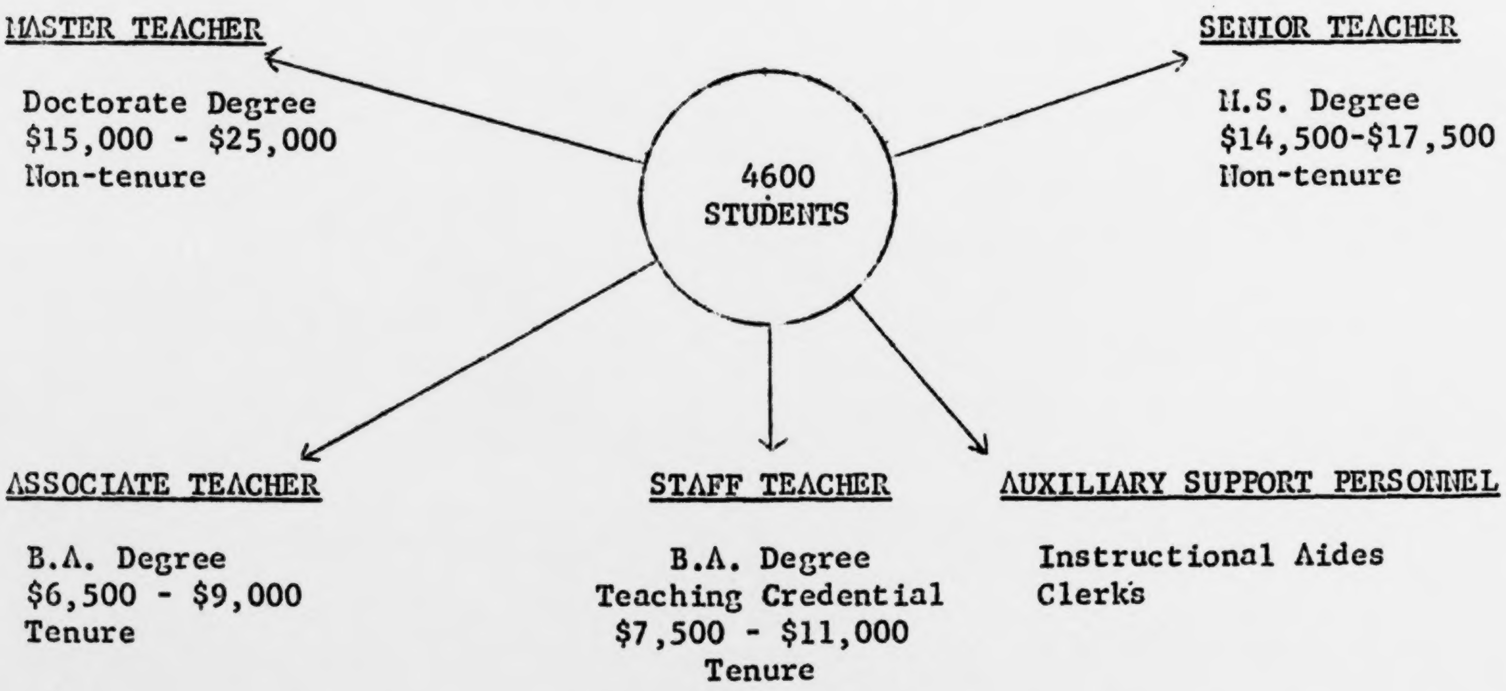
INSTRUCTIONAL IMPROVEMENT COMMITTEE

UNIT A	UNIT B	UNIT C	UNIT D
1 Unit Leader	1 Unit Leader	1 Unit Leader	1 Unit Leader
4 Teachers	4 Teachers	4 Teachers	4 Teachers
Instructional Aide	Instructional Aide	Instructional Aide	Instructional Aide
Clerical Aide	Clerical Aide	Clerical Aide	Clerical Aide
150 Pupils Ages 5, 6, 7	150 Pupils Ages 7, 8, 9	150 Pupils Ages 8, 9, 10	150 Pupils Ages 9, 10, 11

INDIVIDUALLY GUIDED EDUCATION (IGE)

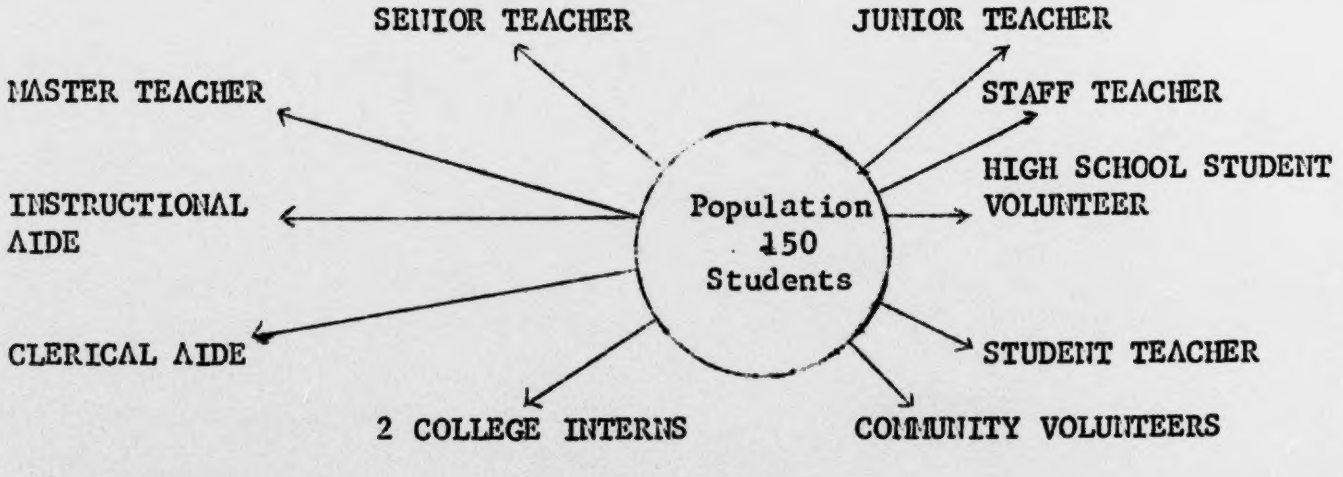
MODEL 2

Temple City, California


MASTER TEACHER
Doctorate Degree
$15,000 - $25,000
Non-tenure
SENIOR TEACHER
M.S. Degree
$14,500-$17,500
Non-tenure
4600
STUDENTS
ASSOCIATE TEACHER
B.A. Degree
$6,500 - $9,000
Tenure
STAFF TEACHER
B.A. Degree
Teaching Credential
$7,500 - $11,000
Tenure
AUXILIARY SUPPORT PERSONNEL
Instructional Aides
Clerks

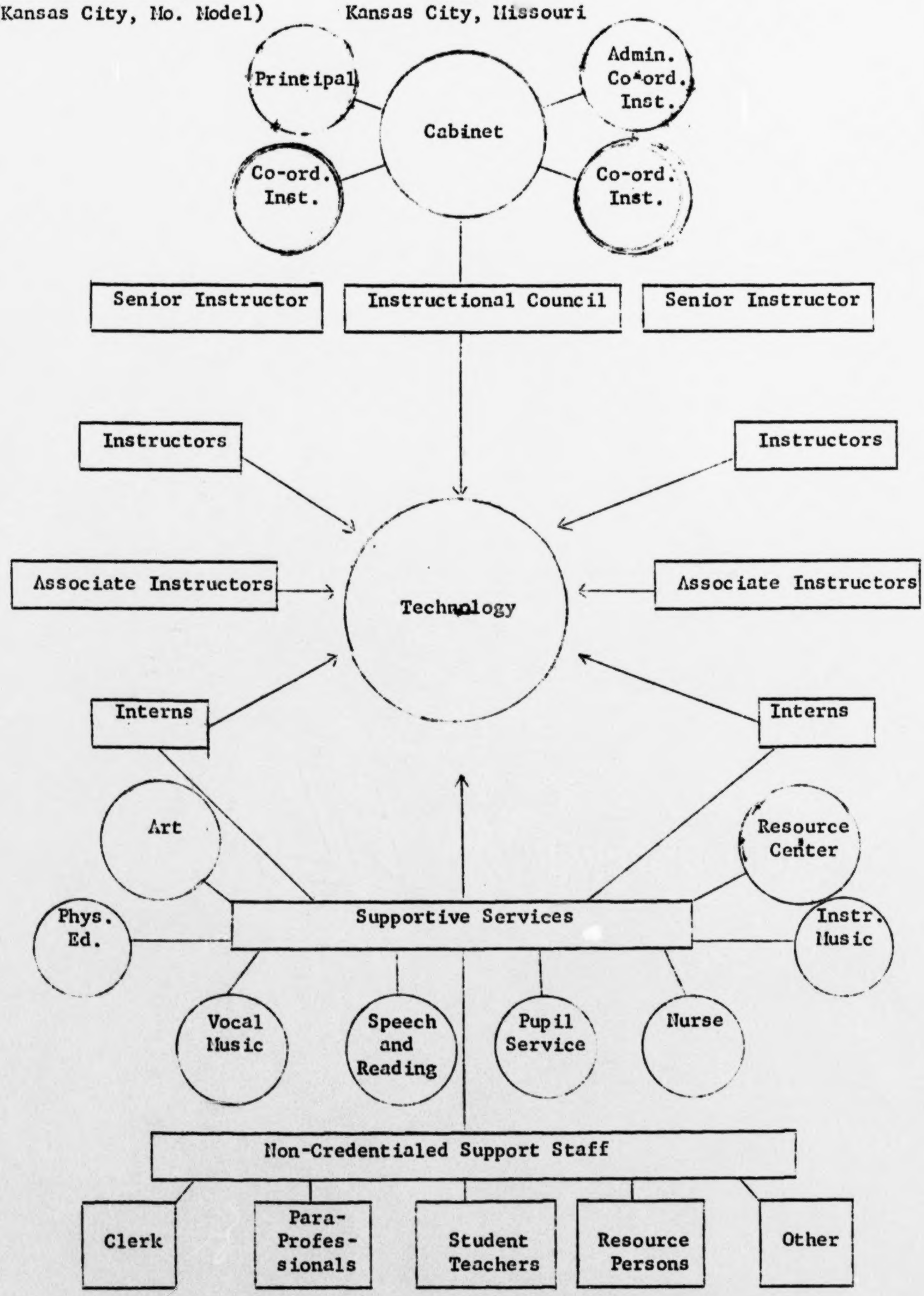
MODEL 3

Cherry Creek, Colorado


SENIOR TEACHER
JUNIOR TEACHER
MASTER TEACHER
STAFF TEACHER
HIGH SCHOOL STUDENT
VOLUNTEER
INSTRUCTIONAL
AIDE
Population
150
Students
CLERICAL AIDE
STUDENT TEACHER
2 COLLEGE INTERNS
COMMUNITY VOLUNTEERS

Differentiated Staff
(Kansas City, Mo. Model)

MODEL 4
Kansas City, Missouri


Principal
Cabinet
Admin.
Co-ord.
Inst.
Co-ord.
Inst.
Co-ord.
Inst.
Senior Instructor
Instructional Council
Senior Instructor
Instructors
Instructors
Associate Instructors
Technology
Associate Instructors
Interns
Interns
Art
Resource
Center
Phys.
Ed.
Supportive Services
Instr.
Music
Vocal
Music
Speech
and
Reading
Pupil
Service
Nurse
Non-Credentialed Support Staff
Clerk
Para-
Profes-
sionals
Student
Teachers
Resource
Persons
Other

*Included as subject area specialties in Junior High School Curriculum

2002: A CLASSROOM ODYSSEY - By the year 2002 a multitude of changes will be evident that today are either partially or totally submerged in the educational enterprise. This projection into the future will examine these emerging conditions.

The teacher shortage of the 1960's motivated the desire for differentiated staffing prompting the use of paraprofessionals and teacher aides. With the advent of an overabundance of teachers in the 1970's the pressure for improved instruction and further professional development evolved. The basic framework of differentiated staffing remained. Teaching became the highest status profession when the public realized that mainly through superior education could our nation survive.

Education finally caught up with the advances produced by technology. The profession added skilled educational technicians to help children with the use of computerized instruction. Wrist television, video phones and teleview teaching were widespread throughout the nation. Micro computers were found in all homes.

With the negotiation process still in the infancy stage, many teacher strikes occurred during the early 1970's. Later as maturity was achieved educational issues, rather than teacher welfare, were negotiated. Teachers no longer suffered from the "anxiety syndrome" because they received the recognition and support they rightfully deserved. The school structure changed with the development of education as a true profession. School boards had fallen as educators, having earned community trust, controlled the educational process for which they were held accountable in terms of production.

Tenure withered and died in the early 1970's through the collective bargaining process and policing from within the profession evolved.

Evaluation was accomplished by students, colleagues and self-analysis. The universities were responsible for the early "culling out" of undesirables. The teachers were evaluated basically on their IPRQ (Interpersonal Relations Quotient). A teacher was not only an academic specialist, but a "humanizer" of a now highly technological society.

Finance is not a problem in 2002, because education is viewed as the solution to all problems. Money is distributed on a per pupil basis and a blank check policy. The latter policy was given to school systems with the assurance it would not be abused. There is only one income tax collected at the state level and given to the federal government which is responsible for redistribution.

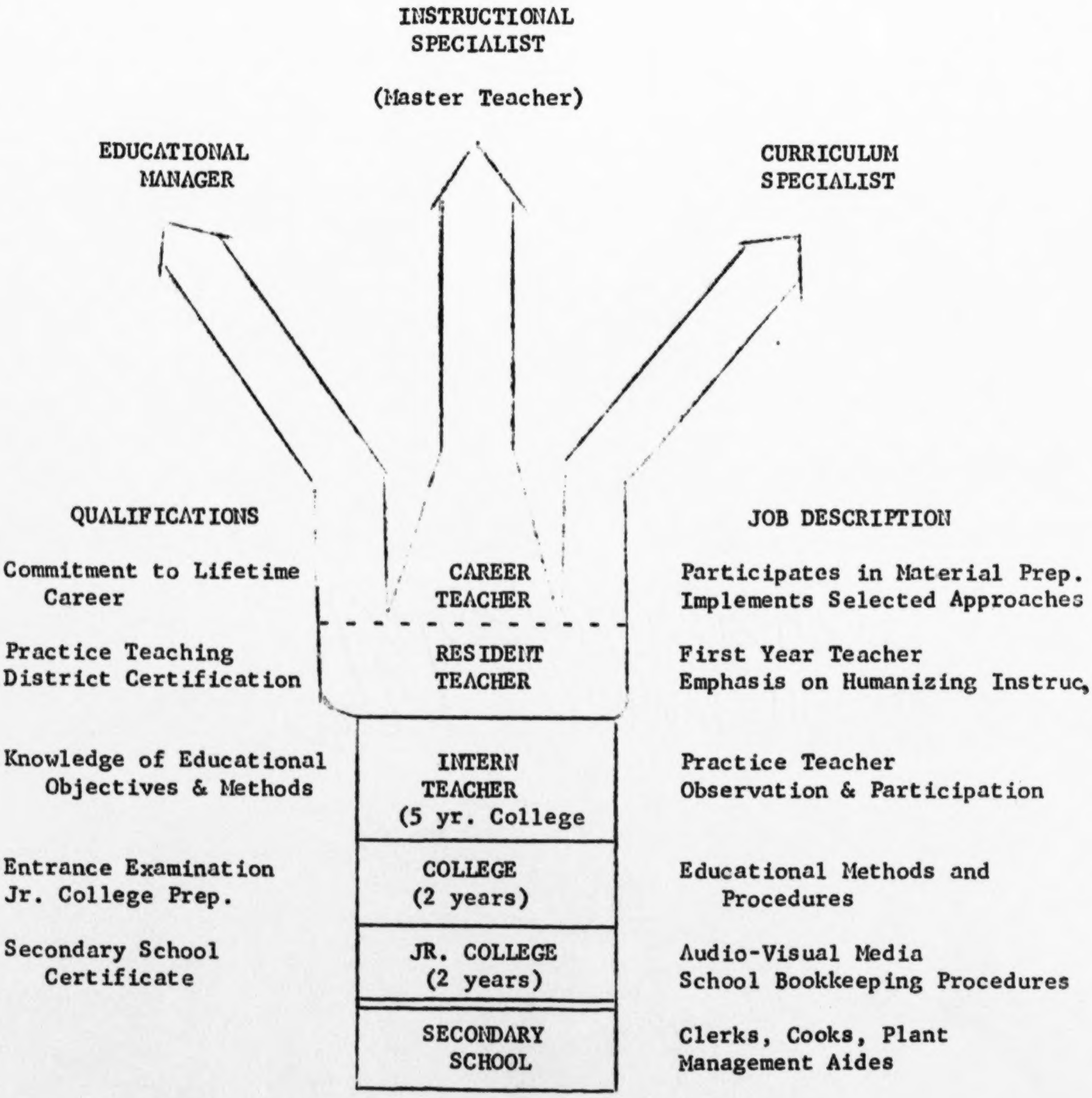
Curriculum is an all encompassing "life experience". The basic curriculum being interdisciplinary, is computerized with the teacher dealing with abstract reasoning and humanities. Education is conducted in various places other than a formal school, thus becoming a totality of experience.

Certification is given on the recommendation of the individual school district. This is not easy to obtain or maintain with requirements for annual renewal in relevant professional and academic areas. Each state will set basic minimums with individual districts having more stringent requirements.

The universities are responsible for maintaining extremely high standards (professional and academic) and challenging people into various phases of the career ladder and school structure depicted.

Respectfully submitted,

Task Force E



QUALIFICATIONS		JOB DESCRIPTION
Commitment to Lifetime Career	CAREER TEACHER	Participates in Material Prep. Implements Selected Approaches
Practice Teaching District Certification	RESIDENT TEACHER	First Year Teacher Emphasis on Humanizing Instruc,
Knowledge of Educational Objectives & Methods	INTERN TEACHER (5 yr. College	Practice Teacher Observation & Participation
Entrance Examination Jr. College Prep.	COLLEGE (2 years)	Educational Methods and Procedures
Secondary School Certificate	JR. COLLEGE (2 years)	Audio-Visual Media School Bookkeeping Procedures
	SECONDARY SCHOOL	Clerks, Cooks, Plant Management Aides

PERSONNEL TRACKS of 2002

The model illustrated here is designed to show the tracks possible for area specialization beyond the Intern teacher level. The teacher pattern to this point has been structured to channel toward the Master teacher. Beyond this point the three ultimate tracks are further specialized. College preparation is included.

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UNIVERSITY OF DENVER
School of Education

WORK CONFERENCE IN PUBLIC SCHOOL ADMINISTRATION
Personnel Administration NEW DIMENSIONS

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